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United Nations

Report of the Human Rights Committee

Volume I

108th session
(8–26 July 2013)

109th session
(14 October–1 November 2013)

110th session
(10–28 March 2014)

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United Nations • New York, 2014

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Summary

The present annual report covers the period from 30 March 2013 to 30 March 2014 and the 108th, 109th and 110th sessions of the Human Rights Committee. In total, there are 167 States parties to the Covenant, 115 to the Optional Protocol and 78 to the Second Optional Protocol.

During the period under review, the Committee considered 17 States parties' reports submitted under article 40 and adopted concluding observations on them (108th session: Albania, Czech Republic, Finland, Indonesia, Tajikistan, Ukraine; 109th session: Bolivia (Plurinational State of), Djibouti, Mauritania, Mozambique, Uruguay; 110th session: Chad, Kyrgyzstan, Latvia, Nepal, Sierra Leone, United States of America — see chapter IV for concluding observations).

Under the Optional Protocol procedure, the Committee adopted 41 Views on communications, and declared 12 communications inadmissible. Consideration of communications was discontinued in 20 cases (see chapter V for information on Optional Protocol decisions). So far, 2,317 communications have been registered since the entry into force of the Optional Protocol to the Covenant, including 132 since the writing of the previous report.

The Committee's procedure for following up on concluding observations, initiated in 2001, continued to develop during the reporting period. The Special Rapporteur for follow-up on concluding observations, Mr. Fabián Salvioli, presented progress reports during the Committee's 109th and 110th sessions. The Committee notes with satisfaction that the majority of States parties have continued to provide it with additional information pursuant to rule 71, paragraph 5, of its rules of procedure, and expresses its appreciation to those States parties that have provided timely follow-up information. The Special Rapporteur for follow-up on Views, Mr. Yuji Iwasawa, presented progress reports at the three Committee sessions.

The Committee again deplores the fact that a large number of States parties do not comply with their reporting obligations under article 40 of the Covenant. Forty-one States parties are currently at least five years overdue with either an initial or periodic report.

The Committee's workload under article 40 of the Covenant and the Optional Protocol to the Covenant continues to grow, as demonstrated by the large number of State party reports received and cases registered during the reporting period. Eleven initial or periodic reports were received between 30 March 2013 and 30 March 2014, and by the end of the 110th session, 28 initial or periodic reports submitted by States parties had not yet been considered by the Committee. At the end of the 110th session, 388 communications were pending (see chapter V).

The Committee again notes that many States parties have failed to implement the Views adopted under the Optional Protocol. The Committee has continued to seek to ensure implementation of its Views through its Special Rapporteur for follow-up on Views, Mr. Iwasawa. Meetings were arranged with representatives of States parties that had not responded to the Committee's requests for information about measures taken to give effect to its Views, or that had given unsatisfactory replies (see chapter VI).

Throughout the reporting period, the Committee continued to discuss the improvement of its working methods (see chapter I). On 22 July 2013, during its 108th session, the Committee held its seventh meeting with States parties, which was attended by 61 States parties (see chapter I, paragraphs 21–25).

During the 108th session, the Committee adopted a note on the procedure for follow-up to concluding observations (CCPR/C/108/2; see paragraph 83 below).

During the 109th session, the Chairperson absented himself for three days to attend the interactive dialogue with the General Assembly in New York on 22 October 2013 (see paragraph 47 below).

During the 110th session, the Committee adopted a note on the mandate of the Special Rapporteur on new communications and interim measures (CCPR/C/110/3; see paragraph 63 below).

Finally, recalling the obligation of the Secretary-General under article 36 of the International Covenant on Civil and Political Rights, the Committee reaffirms its grave concern over the lack of sufficient staff resources and translation services which hampers its activities, and once again stresses the importance of providing the Secretariat with the necessary resources to support its work effectively. The Committee appreciates the decision of the General Assembly to accept the Committee's request for temporary additional resources and is hopeful that the outcome of the treaty body strengthening process will provide the necessary resources in the long term.

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VIII. Follow-up activities under the Optional Protocol

I. Jurisdiction and activities

A. States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols

1. At the end of the 110th session of the Human Rights Committee, there were 167 States parties to the International Covenant on Civil and Political Rights and 115 States parties to the Optional Protocol to the Covenant. Both instruments have been in force since 23 March 1976.

2. Since the last report, there have been no new accessions to the Covenant. Guinea-Bissau ratified the First Optional Protocol and the Plurinational State of Bolivia, Guinea-Bissau and Latvia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

3. As of 28 March 2014, 49 States had made the declaration provided for under article 41, paragraph 1, of the Covenant. In this connection, the Committee appeals to States parties to make the declaration under article 41 of the Covenant and to consider using this mechanism with a view to making implementation of the provisions of the Covenant more effective.

4. The Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty entered into force on 11 July 1991. As at 28 March 2014, there were 78 States parties to the Optional Protocol.

5. A list of States parties to the Covenant and to the two Optional Protocols, indicating those States that have made the declaration under article 41, paragraph 1, of the Covenant, is contained in annex I to the present report.

6. Reservations and other declarations made by a number of States parties in respect of the Covenant or the Optional Protocols are set out in the notifications deposited with the Secretary-General. The Committee once again urges States parties to consider withdrawing their reservations.

B. Sessions of the Committee

7. The Human Rights Committee has held three sessions since the adoption of its previous annual report. The 108th session was held from 8 to 26 July 2013, the 109th session from 14 October to 1 November 2013, and the 110th session from 10 to 28 March 2014. All sessions were held at the United Nations Office at Geneva.

C. Election of officers

8. On 11 March 2013, the Committee elected the following officers for a term of two years, in accordance with article 39, paragraph 1, of the Covenant:

Chairperson:	Sir Nigel Rodley
Vice-Chairpersons:	Mr. Yadh Ben Achour Ms. Iulia Antoanella Motoc/Mr. Kostantine Vardzelashvili[1] Ms. Margo Waterval
Rapporteur:	Mr. Cornelis Flinterman

9. During its 108th, 109th and 110th sessions, the Bureau of the Committee held nine meetings (three per session). Pursuant to the decision taken at the seventy-first session, the Bureau records its decisions in formal minutes, which are kept as a record of all decisions taken.

D. Special rapporteurs

10. The Special Rapporteur on new communications and interim measures, Mr. Walter Kälin, registered 132 communications during the reporting period and transmitted them to the States parties concerned, and issued 41 decisions calling for interim measures of protection pursuant to rule 92 of the Committee's rules of procedure.

11. The Special Rapporteur for follow-up on Views, Mr. Yuji Iwasawa, and the Special Rapporteur for follow-up on concluding observations, Mr. Fabián Salvioli, continued to carry out their functions during the reporting period. Interim reports were submitted to the Committee by Mr. Salvioli, with the assistance of the new Deputy Rapporteur for follow-up on concluding observations, Ms. Seibert-Fohr, during the 109th and 110th sessions (see paragraph 78 below). Mr. Yuji Iwasawa submitted reports during the three sessions. Details on follow-up on Views under the Optional Protocol appear in chapter VI and annex VI (Vol. II); details on concluding observations are found in chapter VII and annex V (Vol. I).

E. Working group and country report task forces

12. In accordance with rules 62 and 95 of its rules of procedure, the Committee established a working group which met before each of its three sessions. The working group was entrusted with the task of making recommendations on the communications received under the Optional Protocol. The former working group on article 40, entrusted with the preparation of lists of issues concerning the initial or periodic reports scheduled for consideration by the Committee, has been replaced since the seventy-fifth session (July 2002) by country report task forces.[2]

13. Country report task forces met during the 108th, 109th and 110th sessions to consider and adopt lists of issues on the reports of Burundi, Chad, Chile, Georgia, Haiti, Ireland, Japan, Kyrgyzstan, Latvia, Malawi, Malta, Montenegro, Nepal, Sierra Leone, Sri Lanka and Sudan. Lists of issues prior to reporting were also adopted for Argentina, Ecuador, New Zealand, Romania and Sweden.

14. The Committee benefits increasingly from information made available to it by the Office of the United Nations High Commissioner for Human Rights (OHCHR). United

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[1] Ms. Motoc resigned on 14 October 2013 (effective 4 November 2013) and from the 110th session was replaced as a vice-chairperson by Mr. Vardzelashvili. At the election held on 18 February 2014, during the Thirty-third Meeting of States parties, Mr. Zlătescu was elected as a member of the Committee to replace Ms. Motoc; his term is due to expire on 31 December 2014.

[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 40*, vol. I (A/57/40 (vol. I)), para. 56, and annex III, sect. B.

Nations bodies (such as the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund (UNICEF)) and specialized agencies (such as the International Labour Organization) provided advance information on several of the countries whose reports were to be considered by the Committee. Country report task forces also considered material submitted by representatives of a number of national human rights institutions (NHRIs), as well as international and national human rights non-governmental organizations (NGOs). The Committee welcomed the interest shown by and the participation of those agencies and organizations and thanked them for the information provided.

15. Given the limited number of draft communications that were to be prepared for the working groups for the 108th and 109th sessions, the Committee decided with regret that those working groups would meet for four days only instead of five. That decision should not, however, be viewed as a policy decision by the Committee.

16. At the 108th session, the Working Group on Communications was composed of Mr. Lazhari Bouzid, Ms. Christine Chanet, Mr. Cornelis Flinterman, Ms. Iulia Antoanella Motoc, Mr. Yadh Ben Achour, Mr. Gerald L. Neuman, Mr. Victor Rodríguez-Rescia, Mr. Konstantine Vardzelashvili and Ms. Margo Waterval. Ms. Chanet was designated Chairperson-Rapporteur. The Working Group met from 2 to 5 July 2013.

17. At the 109th session, the Working Group on Communications was composed of Mr. Bouzid, Ms. Chanet, Mr. Flinterman, Ms. Majodina, Mr. Neuman, Ms. Anja Seibert-Fohr, and Ms. Margo Waterval. Mr. Neuman was designated Chairperson-Rapporteur. The Working Group met from 8 to 11 October 2013.

18. At its 110th session, the Working Group on Communications was composed of Mr. Yadh Ben Achour, Mr. Bouzid, Ms. Chanet, Mr. Flinterman, Ms. Majodina, Mr. Rodríguez-Rescia, Mr. Fabián Omar Salvioli, Mr. Vardzelashvili and Ms. Waterval. Ms. Chanet was designated Chairperson-Rapporteur. The Working Group met from 3 to 7 March 2014.

F. Related United Nations human rights activities

19. At each session, the Committee was informed about the activities of United Nations bodies dealing with human rights issues. Recent developments in the General Assembly and relating to the Human Rights Council were also discussed.

G. Derogations pursuant to article 4 of the Covenant

20. Article 4, paragraph 1, of the Covenant stipulates that, in time of public emergency which threatens the life of the nation, States parties may take measures derogating from certain of their obligations under the Covenant. Pursuant to paragraph 2, no derogation is allowed from articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18. Pursuant to paragraph 3, any derogation must be immediately notified to the other States parties through the intermediary of the Secretary-General. A further notification is required upon the termination of the derogation.[3] All such notifications are available on the website of the United Nations Office of Legal Affairs: http://treaties.un.org/pages/CNs.aspx.

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[3] Ibid., *Sixtieth Session, Supplement No. 40*, vol. I (A/60/40 (vol. I)), chap. I, para. 28.

H. Meetings with States parties

21. On 22 July 2013, during its 108th session, the Committee held its seventh meeting with States parties to the Covenant. Representatives of 61 States parties took part in the meeting. Representatives from 20 NGOs also attended as observers. The agenda set by the Committee included the following items:

(a) Update on working methods (inter alia, in the light of the treaty body strengthening process);

(b) Resources;

(c) Outcome of the Hague Retreat;

(d) General comment on article 9 – procedure for contribution by States parties;

(e) Any other matters.

22. Representatives of States parties and Committee members took part in substantive discussions that ranged from the Committee's work to the treaty body system at large. The Chairperson, Sir Nigel Rodley, opened the meeting. He referred to many examples of positive follow-up to the individual communications and reporting, and highlighted the financial and human resources deficient in the Secretariat and the lack of translation of the replies to lists of issues.

23. Ms. Waterval spoke on the Committee's methods of work and ways in which the Committee has been trying to maximize its resources, including by examining six rather than five reports per session.

24. Mr. Flinterman spoke on the outcome of the Hague Retreat (a summary thereon was distributed to States parties), including the Committee's decision to adopt the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa Guidelines). Mr. Fathalla spoke of the challenges faced by the Committee owing to a lack of resources. Mr. Neuman spoke of the procedure for finalizing the draft general comment on article 9 and indicated how States parties could contribute to the draft.

25. Most States indicated their appreciation for the Committee's work and its efforts to make the most of its time by adapting its methods of work, while maintaining quality (for a full summary of the discussion, see CCPR/C/SR.3000).

I. General comments under article 40, paragraph 4, of the Covenant

26. At its 105th session, the Committee decided that it should hold a half day of general discussion in preparations for its next general comment on article 9 (right to liberty and security of the person and freedom from arbitrary arrest or detention) during the 106th session. Mr. Neuman had been nominated rapporteur of this new general comment at the 104th session.

27. At its 106th session, on 25 October 2012, for the first time ever, the Committee had a half-day discussion in preparation for its next general comment on article 9 (right to liberty and security of the person and freedom from arbitrary arrest or detention). The event was focused on the views of NGOs, academia and NHRIs.

28. Many issues were brought up during the discussion, including the relationship between article 9 and the other treaties; private detention during and outside armed conflict situations; preventative detention; security of persons outside detention; the meaning of "promptness" under article 9, paragraph 3, and "arbitrariness" under 9, paragraph 1; and forms of detention such as house arrest, hospital detention of insolvent patients and drug-

based detention. Several interventions were made by civil society, as well as the International Committee of the Red Cross. Written interventions provided and oral statements made during this half day of discussion may be accessed from the webpage: http://www2.ohchr.org/english/bodies/hrc/discussion2012.htm. Given the success of this event, the Committee decided that it should develop a practice of holding a similar event prior to drafting each new general comment.

29. At its 107th session, the Committee commenced consideration of the first draft of its general comment on article 9. It reviewed the first eight paragraphs of the draft and continued the first reading at the next session. The first draft was posted on the Committee's webpage for information only. It was indicated that all stakeholders would be given an opportunity to provide formal inputs into the process on the basis of the draft as it stands once the first reading has been completed. Stakeholders will be alerted to this opportunity once the first reading has been completed. During the 108th (up to paragraph 31), 109th (up to paragraph 58) and 110th sessions, the Committee continued reviewing the first draft. During the 110th session, the Committee completed the first reading of the draft and it was posted on its webpage with a call to all interested stakeholders for comments by 1 June 2014. The second reading of the general comment will commence at the Committee's next session in July 2014.

J. Staff resources and translation of official documents

30. In accordance with article 36 of the Covenant, the Secretary-General is obliged to provide the Committee members with the necessary staff and facilities for the effective performance of their functions. The Committee reaffirms its concern regarding the shortage of staff resources and stresses once again the importance of allocating adequate staff resources to service its sessions in Geneva and New York and to promote greater awareness, understanding and implementation of its recommendations at the national level. Furthermore, the Committee expresses grave concern that general rules within the United Nations concerning staff mobility in the Secretariat may hamper the work of the Committee, in particular for staff working in the Petitions Unit who need to remain in their positions for a sufficiently long period so as to acquire experience and knowledge regarding the jurisprudence of the Committee.

31. The Committee also reaffirms its deep concern at the lack of availability of its official documents in the three working languages of the Committee. At its ninety-eighth session, held in March 2010, the Committee met in a public plenary session with Mr. Franz Baumann, Assistant Secretary-General for General Assembly Affairs and Conference Management, and Ms. Linda Wong, Chief, Service II, Programme Planning and Budget Division, in order to discuss ways in which the Committee could assist in overcoming difficulties with regard to the processing and translation in its three working languages of official Committee documents, in particular States parties' written replies to lists of issues, presently not considered to be "mandated".

32. During its 103rd session (17 October to 4 November 2011), the Committee was briefed by Kyle Ward, the Chief of Programme Support and Management Services, on the financing of the Human Rights Committee's sessions; at that time it requested further information on resources allocated to the treaty bodies. Following this meeting, the Committee decided to address the member States of the General Assembly who are also States parties to the Covenant in the form of a letter to the permanent missions in New York, in which the Committee expresses its concerns at the current resource deficit to the treaty bodies generally and in particular to the Committee. It requested the States parties to take such concerns up with the Third and Fifth Committees, including those raised in the

report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system (A/66/344).

33. During the period under review, the Committee highlighted its concerns as above-mentioned; it once again reaffirms these same concerns and recalls that there remains a particular problem with having States parties' replies to lists of issues translated into its three working languages and requests that this problem be addressed as a matter of urgency. The Committee makes every effort to continue to improve its working methods to ensure increased productivity without affecting the quality of its work.

34. During the 105th session, the Committee expressed its regret at information received from the Secretariat of the possibility that its March session would be moved from New York to Geneva, owing to financial constraints. In a letter dated 29 July 2012, on behalf of the Committee, the Chairperson highlighted the benefit of meeting in New York and expressed a wish to ensure that, when financial decisions that impact on the work of the Committee are considered, the latter has an opportunity to consider the actual and possible immediate and long-term implications. On 6 August 2012, the High Commissioner responded to this letter. While taking the Committee's concerns on board, she stressed that the move to Geneva would enable the Committee to remain within the allocated regular budget and at the same time improve the servicing of the session.

35. During its 107th session, the Committee expressed its regret that the General Assembly did not approve its request made in its last annual report (A/67/40) for additional temporary resources to deal with communications under the Optional Protocol to the International Covenant on Civil and Political Rights. Such resources would have allowed the Secretariat to do preparatory work in 2013 and 2014 regarding the backlog of individual communications that are currently ready for a decision by the Committee.

36. During the same session, on 25 March 2013, the Committee reiterated its decision adopted on 30 March 2012[4] and by necessity decided to make additional requests. The Committee requested approval from the General Assembly for additional temporary resources to deal with communications under the Optional Protocol to the International Covenant on Civil and Political Rights and reports under article 40 of the Covenant (see annex VI of A/68/40).

37. During the 110th (March 2014), the Committee expressed its appreciation at the approval of its request to the General Assembly in its previous annual report for additional temporary resources to deal with the backlog of communications under the Optional Protocol. The General Assembly approved an additional week of meeting time, which the Committee had decided to use during its October 2014 session. That session would thus be extended from a three-week to a four-week plenary session.

K. Publicity for the work of the Committee

38. At its ninetieth session, the Committee discussed the need to develop a media strategy. It continued the discussion during the ninety-first, ninety-second and ninety-third sessions on the basis of a working paper prepared by Mr. Ivan Shearer, which was adopted by the Committee and made public at its ninety-fourth session (see CCPR/C/94/3).

39. During the 108th, 109th and 110th sessions, the Centre for Civil and Political Rights continued to webcast the examination of all States parties' reports as well as other public

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[4] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 40*, vol. I (A/67/40 (vol. I)), annex VI.

meetings of interest. The webcast may be accessed at the following link: www.treatybodywebcast.org.

40. The Committee continued to develop a robust media strategy, which included holding well-attended press conferences at the end of each session. The Committee is grateful for the invaluable assistance of the new communications officer and expresses the wish that the post continue to be funded. A significant number of articles on all of the countries examined during the period under review, as well as requests for interviews, resulted from the endeavours. In August 2013, a press release highlighted the Committee's finding of violations by Australia of the Optional Protocol (on the issue of the indefinite detention of migrants on security grounds). The press release brought considerable media attention and interviews were undertaken by the Chairperson, including with the media outlets ABC Radio and ABC Regional.

41. The number of users on Facebook connecting to the Committee's concluding observations reached a total of 54,232 and the tweets posted throughout the session reached a total of 858,296 users and received a lot of retweets (80) and positive replies. The concluding observations were seen by over 6,000 Facebook users and 300,000 Twitter users (20 retweets).

42. During the 109th session, the number of users on Facebook connecting to the Committee's concluding observations reached a total of 36,000 and the tweets posted throughout the session reached a total of 1,405,704 users and received a lot of retweets (107) and positive replies. The concluding observations were seen by over 4,146 Facebook users and 462,133 Twitter users (28 retweets).

43. During the 110th session, the number of users on Facebook connecting to information on the Committee's dialogues with States parties reached a total of 91,956. On Twitter, there was a total of 2,364,280 users and many retweets (94). The concluding observations were seen by over 23,392 Facebook users and 1,299,098 Twitter users (58 retweets).

L. Publications relating to the work of the Committee

44. The Committee reiterates its appreciation that volumes 5, 6, 7, 8 and 9 of the *Selected Decisions of the Human Rights Committee under the Optional Protocol* have been published, bringing its jurisprudence up to date to the October 2007 session. Such publications will make the Committee's jurisprudence more accessible to the general public and to the legal profession in particular. However, these volumes of the *Selected Decisions* must still be made available in all official languages of the United Nations.

45. The Committee also notes with satisfaction that its decisions adopted under the Optional Protocol continue to be published in the databases of various institutions.[5] It appreciates the growing interest shown in its work by universities and other institutions of higher learning in this respect. It also reiterates its previous recommendation that the treaty body database of the OHCHR website (http://tb.ohchr.org/default.aspx) be equipped with adequate search functions.

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[5] Ibid., *Fifty-ninth Session, Supplement No. 40*, vol. I (A/59/40 (vol. I)), annex VII.

M. Future meetings of the Committee

46. The following is the schedule of meetings remaining for 2014: the 111th session will be held from 7 to 25 July, and the 112th session, from 7 October to 31 October. In 2015, the 113th meeting will be held from 9 to 27 March.

N. Submission of the Committee's annual report to the General Assembly

47. During the 109th session, the Chairperson absented himself for three days to attend the interactive dialogue with the General Assembly in New York on 22 October 2012. That was the second time a Chairperson of the Committee had addressed the General Assembly pursuant to the General Assembly resolution 66/148 on the two Covenants adopted during its sixty-sixth session. The Chairperson took advantage of his time in New York to engage in several bilateral meetings.

O. Adoption of the report

48. At its 3063rd meeting, on 27 March 2014, the Committee considered the draft of its thirty-eighth annual report, covering its activities at its 108th, 109th and 110th sessions, held in 2013 and 2014. The report, as amended in the course of the discussion, was adopted unanimously. By virtue of its decision 1985/105 of 8 February 1985, the Economic and Social Council authorized the Secretary-General to transmit the Committee's annual report directly to the General Assembly.

II. Methods of work of the Committee under article 40 of the Covenant and cooperation with other United Nations bodies

49. The present chapter summarizes and explains the modifications introduced by the Committee to its working methods under article 40 of the Covenant in recent years, as well as recent decisions adopted by the Committee on follow-up to its concluding observations on State party reports.

A. Recent developments and decisions on procedures

1. Revised reporting guidelines

50. At its ninetieth session, the Committee decided to revise its reporting guidelines and requested Mr. Michael O'Flaherty to review the existing guidelines and to prepare a working paper identifying in particular any difficulties that might arise with the implementation of harmonized guidelines. The Committee began a discussion on the basis of Mr. O'Flaherty's document at its ninety-second and ninety-third sessions and decided to begin work on the preparation of new guidelines. At its ninety-fifth session, the Committee designated Ms. Helen Keller as rapporteur for the preparation of new guidelines.

51. At its ninety-seventh session, held in October 2009, the Committee started discussing its draft revised reporting guidelines and continued this discussion at its ninety-eighth session. The revised reporting guidelines were adopted at the ninety-ninth session.

2. Focused reports based on lists of issues prior to reporting

52. In October 2009, the Committee also decided to adopt a new reporting procedure whereby it would send States parties a list of issues (referred to as a list of issues prior to reporting) and consider their written replies in lieu of a periodic report (referred to as a focused report based on replies to a list of issues). Under the new procedure, the State party's answer would constitute the report for purposes of article 40 of the Covenant. The Committee designated Ms. Keller as rapporteur for the modalities of the new procedure. Following a discussion of two papers submitted by Ms. Keller at the ninety-eighth and ninety-ninth sessions, the modalities of implementation of the new optional procedure were decided upon by the Committee during its ninety-ninth session (see for further details CCPR/C/99/4).

53. During the 101st session, pursuant to the timelines set out in the CCPR/C/99/4 document, the Committee announced the names of the first five countries for which the Committee would adopt lists of issues prior to reporting during its 103rd session in October 2011 (Cameroon, Denmark, Monaco, the Republic of Moldova and Uruguay). These lists of issues were subsequently adopted by the Committee as planned during the 103rd session and transmitted to the State parties. During the 105th session, lists of issues prior to reporting were adopted for Afghanistan, Croatia, Israel and San Marino. The adoption of list of issues on New Zealand, which had been scheduled for consideration at the 105th session was postponed until the 110th session in March 2014.

54. During the 106th session, a list of issues prior to reporting was adopted for Australia. During the same session, the Committee decided that list of issues prior to reporting should be adopted one year prior to the due date for the next periodic report and that a period of one year should be given to States parties to respond to the list of issues prior to reporting.

55. During the 109th session, the Committee considered its first report under the new optional reporting procedure. The report was submitted by Uruguay, the delegation of which welcomed the new procedure. During the 110th session, the Committee adopted lists of issues prior to reporting on the following States parties: Argentina, Ecuador, New Zealand, Romania and Sweden.

3. The treaty body strengthening process and intergovernmental process

56. On 12 July 2012, the Committee adopted a public preliminary position paper on the strengthening of the United Nations treaty bodies, which was distributed to the President of the General Assembly and the co-facilitators of the intergovernmental process (see A/68/40, para. 51).

4. Cooperation with national human rights institutions and non-governmental organizations

57. During its 102nd session, at its 2803rd meeting, the Committee held a meeting with NGOs and NHRIs to consider ways to improve their cooperation with the Committee. Mr. Flinterman and Ms. Motoc were assigned the task of preparing a paper for the following session, upon which the Committee would base its consideration of how best to continue its collaboration with NHRIs and NGOs.

58. During its 103rd session, the Committee decided for the first time to provide NHRIs and NGOs with formal meeting time in closed plenary session of one half hour per State party, prior to the examination of the State party in question. Informal briefings with the members were also organized as a supplementary informal meeting. Given the success of this new engagement with NHRIs and NGOs, the Committee decided that it should continue with this practice.

59. During its 104th session, the Committee adopted a paper on its collaboration with NGOs. The purpose of the paper is to clarify and strengthen the Committee's relationship with NGOs and to enhance the contribution of NGOs in the implementation of the Covenant at the domestic level.

60. During the 106th session, the Committee adopted a paper on its collaboration with NHRIs (see annex VIII to the present report).

5. Case file management

61. During the 104th session, the Committee established the position of Special Rapporteur on case management. The Special Rapporteur was to be responsible for proposing a system of case management and for establishing criteria for the selection/prioritization of individual cases. The Committee nominated Mr. Iwasawa for the newly created position.

62. During the 107th session, the Committee commenced consideration of a report presented by the Special Rapporteur on case management. During the 108th session, the Committee adopted a report on case file management. It decided to merge the mandate of the Special Rapporteur on case management with the Special Rapporteur on new communications and interim measures. Since then, the task of case management, including the preliminary distribution of individual communications to members of the Committee, has been undertaken by the Special Rapporteur on new communications and interim measures.

6. Mandate of the Special Rapporteur on new communications and interim measures

63. During the 110th session, the Committee adopted a note on the mandate of the Special Rapporteur on new communications and interim measures (CCPR/C/110/3).

7. Human Rights Committee retreat

64. During the 105th session, Mr. Flinterman indicated that he had obtained funding through the The Hague Institute for Global Justice for a Committee retreat in The Hague. The retreat was held from 24 to 26 April 2013. The provisional agenda included the following issues: draft guidelines on follow-up to concluding observations; discussion on follow-up to Views; role of the Meeting of States Parties and of the General Assembly; consideration of the High Commissioner's report on strengthening the treaty bodies – general discussion; mandate of the Special Rapporteurs on new communications and interim measures and on case management in dealing with individual communications; a template for a new format for individual communications; a paper on remedies; using other treaty bodies' interpretations to construe the Covenant; and a meeting with members of the Working Group on Arbitrary Detention.[6]

65. During the retreat, the members made a number of recommendations, which were subsequently adopted in their entirety by the Committee during its 108th session, which took place from 8 to 26 July 2013. A summary of the recommendations follows below.

66. The members considered a paper drafted by Mr. Iwasawa, the Special Rapporteur on follow-up to Views, on suggested improvements to the procedure for follow-up to the Committee's Views. It endorsed several suggestions contained therein, including to draft guidelines for States parties and authors on the procedure for follow-up to the Committee's Views.

67. The members reviewed the Addis Ababa Guidelines, which had been endorsed by the treaty body chairpersons during their twenty-fourth meeting in June 2012. The members recommended that the Addis Ababa Guidelines should be adopted without the preamble and should replace the Committee's own 1998 guidelines for the exercise of their functions by members of the Human Rights Committee.[7]

68. The members considered the High Commissioner's report on treaty body strengthening. On the comprehensive reporting calendar, despite the complications and difficulties associated with its lack of flexibility, the members expressed their openness to the suggested calendar, on condition that the relevant budget to implement it was assigned and the periodicity did not exceed five years. The members also indicated that they were not opposed to the idea of working in double chambers on reporting, either under the comprehensive reporting calendar (if that suggestion were to be adopted) or under another system, but that the adoption of such a proposal would be subject to the necessary budget allocation.

69. Mr. Neuman presented a paper for discussion entitled "Using other treaty bodies' interpretations to construe the Covenant". The members agreed that the discussion on this topic should continue in plenary with an elaborated text.

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[6] The following members of the Committee attended the retreat: Mr. Ben Achour, Mr. Flinterman, Ms. Madjodina, Mr. Neuman, Sir Nigel Rodley, Mr. Rodríguez-Rescia, Mr. Salvioli, Ms. Seibert-Fohr, Mr. Shany and Ms. Waterval. The following members of the Secretariat also attended: Paulo David, Lilian Durnescu, Carla Edelenbos, Kate Fox, Carmen Rueda and Simon Walker.

[7] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40*, vol. I (A/53/40 (Vol. I)), annex III.

70. The retreat reviewed a paper on remedies under the Covenant presented by Mr. Salvioli and recommended that a revised version of the paper, including the comments made during the retreat, should be presented in plenary at a subsequent session for discussion and proposed its adoption as a paper by the Committee on remedies.

71. A template for a new format for individual communications was presented by Mr. Ben Achour. The retreat agreed that the Working Group on Communications should review the suggested format, which should then be submitted to the Committee for consideration.

72. A meeting with three members of the Working Group on Arbitrary Detention was arranged for the purpose of discussing the Committee's draft general comment on article 9 and took advantage of the presence of some of the members being in Europe for the Working Group's session in Geneva.

73. The retreat concluded by the participants expressing their thanks and appreciation to all involved in the organization of the retreat, in particular Mr. Flinterman and the representatives of The Hague Institute for Global Justice. The wish was expressed that a similar retreat be held every two years, subject to funding.

8. Interpreting the Covenant

74. During the 110th session, the Committee had a discussion that took as its starting point a paper drafted by Mr. Neuman, entitled "Using other treaty bodies' interpretation to construe the Covenant". The Committee had an interesting discussion on the issue and expressed a wish to continue it. The issue may be the theme for the sixtieth anniversary of the International Bill of Human Rights in 2016.

9. South Sudan

75. In the light of the forthcoming examination of the fourth periodic report of Sudan (July 2014) by the Committee and given that South Sudan became independent in July 2011, the latter's obligations under the Covenant were considered by the Committee during the 109th session (October 2013). The Committee decided that a letter should be sent to the State party, recalling that in the light of its general comment No. 26 on issues relating to the continuity of obligations to the International Covenant on Civil and Political Rights,[8] the people of South Sudan remain under the protection of the Covenant. On that basis, in a letter dated 1 November 2013, the Committee invited South Sudan to submit an initial report under article 40, paragraph 1 (a), of the Covenant.

10. Democratic People's Republic of Korea

76. During its 110th session, the Committee decided to send a letter of reminder to the Democratic People's Republic of Korea to submit its report, which is 10 years overdue. The Committee has adopted the same practice in the past for other States parties with overdue reports.

B. Follow-up to concluding observations

77. Since its forty-fourth session in March 1992,[9] the Committee has adopted concluding observations. It takes the concluding observations as a starting point in the preparation of

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[8] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40*, vol. I (A/53/40 (Vol. I)), annex VII.

[9] Ibid., *Forty-seventh Session, Supplement No. 40* (A/47/40), chap. I, sect. E, para. 18.

the list of issues for the consideration of the subsequent State party report. In some cases, the Committee has received, in accordance with rule 71, paragraph 5, of its revised rules of procedure, comments on its concluding observations and replies to the concerns identified by it from the States parties concerned, which are issued in document form.

78. At its seventy-fourth session, the Committee adopted decisions spelling out the modalities for following up on concluding observations.[10] At its seventy-fifth session, the Committee appointed Mr. Maxwell Yalden as its Special Rapporteur for follow-up on concluding observations. At the eighty-third session, Mr. Rivas Posada succeeded Mr. Yalden. At the ninetieth session, Sir Nigel Rodley was appointed Special Rapporteur for follow-up on concluding observations. At the ninety-sixth session, Mr. Abdelfattah Amor succeeded Sir Nigel Rodley. At the 101st session, Ms. Chanet succeeded Mr. Amor. At the 107th session (March 2013) Mr. Salvioli was elected Special Rapporteur on the mandate. At the 109th session, Ms. Seibert-Fohr was elected Deputy Rapporteur on follow-up to concluding observations to assist the Rapporteur in carrying out his mandate. That was the first time a Deputy Rapporteur had been elected pursuant to the Committee's note on the procedure adopted during the 108th session (July 2013) (see paragraph 83 below).

79. At its ninety-fourth session, the Committee requested the Special Rapporteur for follow-up on concluding observations, Sir Nigel Rodley, to present proposals to the Committee on ways to strengthen its follow-up procedure. On the basis of a paper submitted by the Special Rapporteur (CCPR/C/95/3), the Committee discussed and adopted several proposals to strengthen its follow-up procedure at its ninety-fifth session.[11]

80. Since the implementation of the follow-up procedure, the Committee has adopted three follow-up reports per year, analysing the replies received between sessions from States parties. Taking into account the short time between the sessions of March, July and October, but also the difficulties resulting from the short deadlines for translation services, the Special Rapporteur for follow-up to concluding observations decided to present two complete reports per year at the March and October sessions.

81. To allow for urgent issues, either procedural or due to the gravity of the situation in a State party, the Special Rapporteur may present an interim report during the July session. Such a report was presented at the 105th session, in which the follow-up reports of Israel and Togo were considered.

82. The procedural situation of all other States parties under the follow-up procedure since the ninety-sixth session are continuously kept under review and the necessary measures are taken after each session to ensure that the reminders or other relevant information on the follow-up procedure are duly communicated to the State party.

83. During the 108th session (July 2013), the Committee adopted a note on the procedure for follow-up to concluding observations (CCPR/C/108/2). The note defines the rules and guidelines on the development of the follow-up process and is aimed at systematizing the practice developed. It can also be found on the Committee's webpage at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=623&Lang=en.

84. During the period under review, follow-up comments were received from States parties. Follow-up information was also received from NGOs. This information on follow-up has been published and can be consulted on the OHCHR website at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&L

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[10] Ibid., *Fifty-seventh Session, Supplement No. 40* (A/57/40), vol. I, annex III, sect. A.

[11] Ibid., *Sixty-fourth Session, Supplement No. 40* (A/64/40), vol. I, annex VI.

ang=en. Chapter VII of the present report summarizes activities relating to follow-up to concluding observations and States parties' replies.

C. Links to other human rights treaties and treaty bodies

85. The Committee views the annual meeting of chairpersons of the human rights treaty bodies as a forum for exchanging ideas and information on procedures and logistical problems, streamlining working methods, improving cooperation among treaty bodies, and stressing the need to obtain adequate secretariat services to enable all treaty bodies to fulfil their mandates effectively. In its opinion on the idea of creating a single human rights treaty body,[12] the Committee proposed that the meeting of chairpersons of treaty bodies and the Inter-Committee Meeting should be replaced by a single coordinating body composed of representatives of the various treaty bodies, which would be responsible for the effective oversight of all questions relating to the harmonization of working methods.

86. The twenty-fourth annual meeting of chairpersons of the human rights treaty bodies was held in Addis Ababa from 25 to 29 June 2012. The Chairperson of the Committee attended on the Committee's behalf. One of the outcomes of this meeting was the endorsement by the chairpersons of the Guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines). These guidelines were subsequently adopted by the Committee during the 108th session (July 2013).

87. The twenty-fifth annual meeting of chairpersons of the human rights treaty bodies was held from 20 to 24 May 2013 in New York. The Chairperson of the Committee attended on the Committee's behalf. During the 108th session (July 2013), the Committee endorsed a statement made by the chairpersons during their twenty-fifth meeting on the post-2015 development agenda (Millennium Development Goals). See www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

88. During its 109th session, the Committee held its third meeting with the Committee on the Elimination of Discrimination against Women, whose session overlapped with that of the Human Rights Committee. The meeting was hosted by the Center for Reproductive Rights, which arranged presentations, discussion and then an informal dinner. The members were provided with information from the Center and from the Women's Rights and Gender Section of OHCHR on new developments — international and regional — on the issue of reproductive health. The meeting gave the members of both Committees an opportunity to compare and contrast how they consider issues of reproductive health, in particular abortion. Follow-up to the meeting is expected to take place during the Committee's 111th session in July 2014. The Committee is very grateful to the Center for Reproductive Rights for having supported this meeting.

89. During the same session, the Committee had an informal meeting with the Committee against Torture, during which they shared views on the draft general comment on article 9 of the Covenant. Similarly, during the 110th session, the Committee had a meeting via Skype with two members of the Committee on the Rights of Persons with Disabilities on the same draft general comment.

D. Cooperation with other United Nations bodies

90. At its ninety-seventh session, Mr. José Luis Pérez Sanchez-Cerro took over from Mr. Mohammed Ayat as the Rapporteur mandated to liaise with the Office of the Special

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[12] Ibid., *Sixty-second Session, Supplement No. 40* (A/62/40), vol. I, annex V.

Adviser to the Secretary-General for the Prevention of Genocide and Mass Atrocities. Since Mr. Sanchez-Cerro's departure from the Committee in 31 December 2010, this mandate had been left open. During the 107th session, Mr. Ahmad Amin Fathalla, was nominated as focal point on this mandate.

91. On 29 June 2012, prior to the beginning of the pre-sessional working group on communications of the 105th session, the members of the working group met with a number of judges of the European Court of Human Rights, during which they exchanged views on the following topics: interim measures (scope, weight of domestic findings, recent challenges); prohibition of discrimination as an independent right in recent case law; recent case law on freedom of expression; and disappearances and investigative obligations.

92. During the 105th session, Ms. Jannie Lasimbang, a member of the Expert Mechanism on the Rights of Indigenous Peoples, briefed and had an exchange of views with the Committee on the work of this body.

III. Submission of reports by States parties under article 40 of the Covenant

93. Under article 2, paragraph 1, of the International Covenant on Civil and Political Rights, each State party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. In connection with this provision, article 40, paragraph 1, of the Covenant requires States parties to submit reports on the measures adopted and the progress achieved in the enjoyment of the various rights and on any factors and difficulties that may affect the implementation of the Covenant. States parties undertake to submit reports within one year of the entry into force of the Covenant for the State party concerned and, thereafter, whenever the Committee so requests. Under the Committee's guidelines, adopted at its sixty-sixth session and amended at the seventieth session (CCPR/C/66/GUI/Rev.2), the five-year periodicity in reporting, which the Committee itself had established at its thirteenth session in July 1981 (CCPR/C/19/Rev.1), was replaced by a flexible system whereby the date for the subsequent periodic report by a State party is set on a case-by-case basis at the end of the Committee's concluding observations on any report, in accordance with article 40 of the Covenant and in the light of the guidelines for reporting and the working methods of the Committee. The Committee confirmed this approach in its current guidelines adopted at the ninety-ninth session (CCPR/C/2009/1).

94. During the 104th session, the Committee decided to increase the periodicity granted to States parties for their reports to up to a period of six years.

A. Reports submitted to the Secretary-General from April 2013 to March 2014

95. During the period covered by the present report, 11 reports were submitted to the Secretary-General by the following States parties: Austria (fifth periodic report); Benin (second periodic report); Canada (sixth periodic report); Croatia (third periodic report); Greece (second periodic report); Iraq (fifth periodic report); Israel (fourth periodic report);[13] Republic of Korea (fourth periodic report); Suriname (third periodic report); the former Yugoslav Republic of Macedonia (third periodic report); and Uzbekistan (fourth periodic report).

B. Overdue reports and non-compliance by States parties with their obligations under article 40

96. The Committee wishes to reiterate that States parties to the Covenant must submit the reports referred to in article 40 of the Covenant on time so that the Committee can duly perform its functions under that article. Those reports are the basis for the discussion between the Committee and States parties on the human rights situation in States parties. Regrettably, serious delays have been noted since the establishment of the Committee.

97. The Committee notes with concern that the failure of States parties to submit reports hinders the performance of its monitoring functions under article 40 of the Covenant. The list below identifies the States parties that have a report more than five years overdue, and

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[13] The State party submitted its response to a list of issues prior to reporting adopted by the Committee under the new optional procedure. This response is considered its fourth periodic report.

those that have not submitted reports requested by a special decision of the Committee. The Committee reiterates that these States are in default of their obligations under article 40 of the Covenant.

States parties that have reports more than five years overdue (as at 30 March 2014) or that have not submitted a report requested by a special decision of the Committee

State party	*Type of report*	*Date due*	*Years overdue*
Gambia	Second	21 June 1985	28
Equatorial Guinea	Initial	24 December 1988	25
Somalia	Initial	23 April 1991	22
Saint Vincent and the Grenadines	Second	31 October 1991	22
Grenada	Initial	5 December 1992	21
Seychelles	Initial	4 August 1993	20
Niger	Second	31 March 1994	20
Afghanistan[a]	Third	23 April 1994	19
Dominica	Initial	16 September 1994	19
Guinea	Third	30 September 1994	19
Cape Verde	Initial	5 November 1994	19
Belize	Initial	9 September 1997	16
Romania[b]	Fifth	28 April 1999	14
Nigeria	Second	28 October 1999	14
Lebanon	Third	31 December 1999	14
South Africa	Initial	9 March 2000	14
Burkina Faso	Initial	3 April 2000	13
Senegal	Fifth	4 April 2000	13
Ghana	Initial	8 February 2001	13
Belarus	Fifth	7 November 2001	12
Bangladesh	Initial	6 December 2001	12
India	Fourth	31 December 2001	12
Lesotho	Second	30 April 2002	11
Zimbabwe	Second	1 June 2002	11
Guyana	Third	31 March 2003	11
Congo	Third	21 March 2003	11
Eritrea	Initial	22 April 2003	10
Gabon	Third	31 October 2003	10

State party	*Type of report*	*Date due*	*Years overdue*
Trinidad and Tobago	Fifth	31 October 2003	10
Democratic People's Republic of Korea	Third	1 January 2004	10
Viet Nam	Third	1 August 2004	9
Egypt	Fourth	1 November 2004	9
Timor-Leste	Initial	19 December 2004	9
Mali	Third	1 April 2005	8
Swaziland[c]	Initial	27 June 2005	8
Liberia	Initial	22 December 2005	8
Andorra	Initial	22 December 2007	6
Bahrain	Initial	20 December 2007	6
Luxembourg	Fourth	1 April 2008	5
Morocco	Sixth	1 November 2008	5
Uganda	Second	1 April 2008	5

[a] On 12 May 2011, Afghanistan accepted the new optional procedure on focused reports based on replies to the list of issues prior to reporting During the 105th session, the Committee adopted a list of issues prior to reporting on Afghanistan with a deadline of 31 October 2013 for its response, which will be considered its second periodic report. This report has still not been received.

[b] On 31 July 2013 Romania accepted the new optional procedure on focused reports based on replies to the list of issues prior to reporting. During the 110th session, the Committee adopted a list of issues prior to reporting on Romania with a deadline of 30 April 2015 for its response.

[c] During the 104th session, the Committee agreed to a request to extend the deadline for the initial report of Swaziland until the end of December 2012. This report has not yet been received.

98. The Committee once again draws particular attention to the fact that 24 initial reports are overdue (including the 17 initial reports overdue by at least five years listed above). The result is frustration of a crucial objective of the Covenant, namely, to enable the Committee to monitor compliance by States parties with their obligations under the Covenant on the basis of periodic reports. The Committee addresses reminders at regular intervals to all those States parties whose reports are significantly overdue.

99. Owing to the concern of the Committee about the number of overdue reports and non-compliance by States parties with their obligations under article 40 of the Covenant,[14] two working groups of the Committee proposed amendments to the rules of procedure in order to help States parties fulfil their reporting obligations and to simplify the procedure. These amendments were formally adopted during the seventy-first session, in March 2001, and the revised rules of procedure were issued (CCPR/C/3/Rev.6 and Corr.1).[15] All States

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[14] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 40*, vol. I (A/51/40 (vol. I)), chap. III, sect. B, and ibid., *Fifty-seventh Session, Supplement No. 40* (A/57/40), chap. III, sect. B.

[15] Ibid., *Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex III, sect. B. The revised rules were confirmed in the amended rules of procedure adopted at the 103rd session (CCPR/C/3/Rev.10).

parties were informed of the amendments to the rules of procedure, and the Committee has applied the revised rules since the end of the seventy-first session (April 2001). The Committee recalls that general comment No. 30, adopted at the seventy-fifth session, spells out the States parties' obligations under article 40 of the Covenant.[16]

100. The amendments introduced a procedure to be followed when a State party has failed to honour its reporting obligations for a long time, or requests a postponement of its scheduled appearance before the Committee at short notice. In both situations, the Committee may henceforth serve notice on the State concerned that it intends to consider, from material available to it, the measures adopted by that State party to give effect to the provisions of the Covenant, even in the absence of a report. The amended rules of procedure further introduced a follow-up procedure to the concluding observations of the Committee. The Committee invites the State party to report back to it within a specified period regarding its follow-up to the Committee's recommendations, indicating what steps, if any, it has taken. The responses received are thereafter examined by the Committee's Special Rapporteur for follow-up on concluding observations. Since the seventy-sixth session, the Committee has, as a rule, examined the progress reports submitted by the Special Rapporteur on a sessional basis.[17]

101. During its 103rd session, the Committee amended its rules of procedure (rules 68 and 70) relating to the examination of country situations in the absence of a report (review procedure).[18] From 2012, the examination of such country situations will take place in public rather than closed session and the resulting concluding observations will also be issued as public documents. (See the amended rules of procedure, CCPR/C/3/Rev.10.)

102. The Committee first applied the review procedure to a non-reporting State at its seventy-fifth session. In July 2002, it considered the measures taken by the Gambia to give effect to the rights set out in the Covenant, in the absence of a report and a delegation from the State party. It adopted provisional concluding observations on the situation of civil and political rights in the Gambia, which were transmitted to the State party. At its seventy-eighth session, the Committee discussed the status of the provisional concluding observations on the Gambia and requested the State party to submit by 1 July 2004 a periodic report that should specifically address the concerns identified in the Committee's provisional concluding observations. If the State party failed to meet the deadline, the provisional concluding observations would become final and the Committee would make them public. On 8 August 2003, the Committee amended rule 69A of its rules of procedure[19] to provide for the possibility of making provisional concluding observations final and public. At the end of its eighty-first session, the Committee decided to make the provisional concluding observations on the Gambia final and public, since the State party had failed to submit its second periodic report. At its ninety-fourth session (October 2008), the Committee also decided to declare the State party in non-compliance with its obligations under article 40 of the Covenant.

103. At its seventy-sixth session (October 2002), the Committee considered the situation of civil and political rights in Suriname, in the absence of a report but in the presence of a delegation. On 31 October 2002, it adopted provisional concluding observations, which were transmitted to the State party. In its provisional concluding observations, the Committee invited the State party to submit its second periodic report within six months.

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[16] Ibid., *Fifty-seventh Session, Supplement No. 40* (A/57/40), vol. I, annex VI.

[17] Except for the eighty-third session, when a new Special Rapporteur was appointed.

[18] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 40*, vol. I (A/67/40 (vol. I)), chap. II, para. 64.

[19] Rule 70 of the rules of procedure.

The State party submitted its report by the deadline. The Committee considered the report at its eightieth session (March 2004) and adopted concluding observations.

104. At its seventy-ninth and eighty-first sessions (October 2003 and July 2004), the Committee considered the situation of civil and political rights in Equatorial Guinea and the Central African Republic, respectively, in the absence both of a report and a delegation in the first case, and in the absence of a report but in the presence of a delegation in the second case. Provisional concluding observations were transmitted to the States parties concerned. At the end of the eighty-first session, the Committee decided to make the provisional concluding observations on the situation in Equatorial Guinea final and public, the State party having failed to submit its initial report. At its ninety-fourth session (October 2008), the Committee also decided to declare the State party in non-compliance with its obligations under article 40 of the Covenant. On 11 April 2005, in conformity with the assurances it had made to the Committee at the eighty-first session, the Central African Republic submitted its second periodic report. The Committee considered the report at its eighty-seventh session (July 2006) and adopted concluding observations.

105. At its eightieth session (March 2004), the Committee decided to consider the situation of civil and political rights in Kenya at its eighty-second session (October 2004), as Kenya had not submitted its second periodic report, due on 11 April 1986. On 27 September 2004, Kenya submitted its second periodic report. The Committee considered the second periodic report of Kenya at its eighty-third session (March 2005) and adopted concluding observations.

106. At its eighty-third session, the Committee considered the situation of civil and political rights in Barbados, in the absence of a report but in the presence of a delegation, which pledged to submit a full report. Provisional concluding observations were transmitted to the State party. On 18 July 2006, Barbados submitted its third periodic report. The Committee considered the report at its eighty-ninth session (March 2007) and adopted concluding observations. As Nicaragua had not submitted its third periodic report, due on 11 June 1997, the Committee decided, at its eighty-third session, to consider the situation of civil and political rights in Nicaragua at its eighty-fifth session (October 2005). On 9 June 2005, Nicaragua gave assurances that it would submit its report by 31 December 2005 at the latest. Then, on 17 October 2005, Nicaragua informed the Committee that it would submit its report by 30 September 2006. At its eighty-fifth session (October 2005), the Committee requested Nicaragua to submit its report by 30 June 2006. Following a reminder from the Committee, dated 31 January 2007, Nicaragua again undertook, on 7 March 2007, to submit its report by 9 June 2007. Nicaragua submitted its third periodic report on 20 June 2007.

107. At its eighty-sixth session (March 2006), the Committee considered the situation of civil and political rights in Saint Vincent and the Grenadines, in the absence of a report but in the presence of a delegation. Provisional concluding observations were transmitted to the State party. In accordance with the provisional concluding observations, the Committee invited the State party to submit its second periodic report by 1 April 2007 at the latest. On 12 April 2007, the Committee sent a reminder to the authorities of Saint Vincent and the Grenadines. In a letter dated 5 July 2007 Saint Vincent and the Grenadines pledged to submit its report within a month. The State party having failed to submit its second periodic report, the Committee decided to make the provisional concluding observations on the situation in Saint Vincent and the Grenadines final and public at the end of its ninety-second session (March 2008).

108. As San Marino had not submitted its second periodic report, due on 17 January 1992, the Committee decided, at its eighty-sixth session, to consider the situation of civil and political rights in San Marino at its eighty-eighth session (October 2006). On 25 May 2006, San Marino gave assurances to the Committee that it would submit its report by 30

September 2006. San Marino submitted its second periodic report in conformity with that commitment, and the Committee considered it at its ninety-third session.

109. As Rwanda had not submitted its third periodic report or a special report, due respectively on 10 April 1992 and 31 January 1995, the Committee decided, at its eighty-seventh session, to consider the situation of civil and political rights in Rwanda at its eighty-ninth session (March 2007). On 23 February 2007, Rwanda undertook, in writing, to submit its third periodic report by the end of April 2007, thereby superseding the planned consideration of the situation of civil and political rights in the absence of a report. Rwanda submitted its periodic report on 23 July 2007 and the Committee considered it at its ninety-fifth session.

110. At its eighty-eighth session (October 2006), the Committee decided to consider the situation of civil and political rights in Grenada at its ninetieth session (July 2007), as the State party had not submitted its initial report, due on 5 December 1992. At its ninetieth session (July 2007), the Committee undertook this review in the absence of a report or a delegation but on the basis of written replies from Grenada. Provisional concluding observations were sent to the State party, which was requested to submit its initial report by 31 December 2008. At the end of its ninety-sixth session (July 2009), the Committee decided to convert the provisional concluding observations into final and public observations.

111. At its ninety-eighth session (March 2010), the Committee decided to consider the situation of civil and political rights in Seychelles at its 101st session (March 2011) in the absence of a report, as the State party had not submitted its initial report, due on 4 August 1993. At the 101st session, the Committee undertook this review in the absence of a report and a delegation and absent replies to the list of issues. Provisional concluding observations were sent to the State party, with a request to submit its initial report by 1 April 2012 and to comment on the concluding observations within one month from the date of their transmission. On 26 April 2011, the State party requested an extension until the end of May 2011 to respond to the concluding observations. On 27 April 2011, the Committee granted the State party this request. On 13 May 2011, the State party submitted comments on the provisional concluding observations and indicated that it would submit a report by April 2012. In July 2011, during the 102nd session (July 2011), the Committee decided to await the State party's report before taking matters any further.

112. At its ninety-ninth session (July 2010), the Committee decided to consider the situation of civil and political rights in Dominica at its 102nd session (July 2011) in the absence of a report, as the State party had not submitted its initial report, due on 16 September 1994. The Committee scheduled Dominica for examination during its 102nd session in July 2011. Prior to the session, the State party requested a postponement indicating that it was in the process of drafting its report and would do so by 30 January 2012. The Committee agreed to a postponement and decided to await the report before taking matters any further.

113. At its 102nd session (July 2011), the Committee decided to consider the situation of civil and political rights in Malawi at its 103rd session (October 2011) in the absence of a report, as the State party had not submitted its initial report, due on 21 March 1995. At its 103rd session, the Committee undertook this review in the absence of a report, but on the basis of written replies and in the presence of a delegation from the State party. Provisional concluding observations were sent to the State party, which was requested to submit its initial report by 31 March 2012. The State party's initial report was received on 3 April 2012.

114. At its 103rd session (October 2011), the Committee decided to consider the situation of civil and political rights in Mozambique and in Cape Verde at its 104th session (March

2012) in the absence of a report, as the States parties had not submitted their initial reports, due on 20 October 1994 and 5 November 1994, respectively. Prior to its 104th session, the Committee accepted a request for postponement from Mozambique on the basis of a commitment by the State party to submit its report by February 2012. This report was subsequently provided on 14 February 2012.

115. During the 104th session, the Committee examined the situation in Cape Verde in the absence of a report and in the presence of the State's Ambassador to the United Nations in New York. This was the first time since the Committee amended its rules of procedure (rule 70) that such an examination was held in public rather than closed session and that the concluding observations were made public immediately upon adoption.

116. During the 106th session, the Committee scheduled consideration of the situation in Cote d'Ivoire in the absence of a report. However, following a request by the State party for a postponement and a commitment to produce its report within six months (20 March 2013), the Committee agreed to postpone consideration. The State party submitted its report on 19 March 2013.

117. During the 107th session, the Committee considered Belize in the absence of a report and in the absence of a delegation, but with replies to the list of issues. In accordance with the amended rules of procedure (rule 70), it examined the report in public session and adopted concluding observations, which were made public immediately upon adoption.

118. The procedure under rule 70 of the rules of procedure, to examine States parties in the absence of a report, has been initiated in 16 cases to date.

C. Periodicity with respect to State parties' reports examined during the period under review

119. As indicated in paragraph 94 above, during the 104th session, the Committee decided to increase the periodicity granted to States parties for their reports to up to a period of six years. Thus, the Committee may now ask States parties to submit their subsequent periodic reports within three, four, five or six years.

120. The periodicity of the State parties' reports examined during the period under review is indicated in the table below.

State party	*Date of examination*	*Due date for next report*
Finland	July 2013	July 2019
Latvia	March 2014	March 2020
Albania	July 2013	July 2018
Bolivia (Plurinational State of)	October 2013	October 2018
Czech Republic	July 2013	July 2018
Ukraine	July 2013	July 2018
United States of America	March 2014	March 2019
Uruguay	October 2013	October 2018
Chad	March 2014	March 2018
Djibouti	October 2013	October 2017

State party	*Date of examination*	*Due date for next report*
Indonesia	July 2013	July 2017
Kyrgyzstan	March 2014	March 2018
Mauritania	October 2013	October 2017
Mozambique	October 2013	October 2017
Nepal	March 2014	March 2018
Tajikistan	July 2013	July 2017
Sierra Leone	March 2014	March 2017

IV. Consideration of reports submitted by States parties under article 40 of the Covenant and examinations of the situation in States parties in the absence of reports under rule 70 of the rules of procedure

121. The text below, arranged on a country-by-country basis in the sequence followed by the Committee in its consideration of the reports, contains the concluding observations adopted by the Committee with respect to the States parties' reports considered at its 108th, 109th and 110th sessions. The Committee urges those States parties to adopt corrective measures, where indicated, consistent with their obligations under the Covenant and to implement these recommendations.

122. Indonesia

(1) The Committee considered the initial report of Indonesia (CCPR/C/IDN/1) at its 2984th, 2985th and 2986th meetings (CCPR/C/SR.2984, 2985 and 2986), held on 10 and 11 July 2013. At its 3002nd and 3003rd meetings (CCPR/C/SR.3002 and 3003), held on 23 and 24 July 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial report of Indonesia and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's high-level delegation on the measures that the State party has taken since the entry into force of the Covenant in 2006 to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/IDN/Q/1/Add.1) to the list of issues (CCPR/C/IDN/Q/1), which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

(3) The Committee welcomes the following policy and legislative steps taken by the State party:

(a) The adoption of a national plan of action on human rights for the period 2011–2014; and

(b) The enactment of Law No. 11 of 2012 on the juvenile criminal justice system, which increased the age of criminal responsibility from 8 years to 12 years.

(4) The Committee welcomes the ratification by the State party of the following international instruments:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2012;

(b) The Convention on the Rights of Persons with Disabilities in 2011;

(c) The United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2009;

(d) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2012; and

(e) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2012.

C. Principal matters of concern and recommendations

(5) While taking note of article 7 of Law No. 39 of 1999 on human rights and the response of the State party in its replies that all international instruments ratified by the State party are part of domestic law, the Committee also takes note that the Covenant does not take precedence over the provisions of national legislation that are deemed inconsistent with the Covenant. The Committee is concerned that notwithstanding the fact that the State party's Constitutional Court has made references to the provisions of the Covenant in its decisions, there is limited knowledge and usage of its provisions by lawyers and judges (art. 2).

The State party should take all measures to give full effect to the provisions of the Covenant in its domestic legal order. It should also take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors at all levels, especially in autonomous regions, to ensure that its provisions are taken into account by national courts. The State party should also consider acceding to the first Optional Protocol to the Covenant.

(6) While noting the State party's efforts to devolve State authority pursuant to the policy on decentralization (Law No. 32 of 2004), the Committee regrets that the resultant autonomy of regions has led to the enactment of subnational legislation and by-laws that are inconsistent with the provisions of the Covenant. The Committee particularly regrets that regions have increasingly adopted by-laws and policies that are severely restrictive of the enjoyment of human rights and discriminate against women, such as those which promote interpretations of sharia law in Aceh that are inconsistent with the Covenant. The Committee is also concerned with reports that in Aceh province individuals must demonstrate the knowledge of or ability to read religious texts in order to be employed in the police service and in some other public institutions (arts. 2, 3, 18, and 26).

The Committee recalls paragraph 4 of its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, and reminds the State party that "the obligations of the Covenant in general and article 2 in particular are binding on every State Party as a whole. All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level — national, regional or local — are in a position to engage the responsibility of the State Party". The State party should, therefore, ensure that the provisions of the Covenant are respected in all its provinces and autonomous regions despite the State party's internal governance arrangements. In connection with this, the State party should ensure that legislation at all governmental levels is consistent with the provisions of the Covenant. The State party should also revise its policies and practices, which may be interpreted as establishing adherence to a particular religion as a mandatory requirement for employment in the public service.

(7) While noting the State party's efforts to promote cooperation between the National Commission on Human Rights (Komnas HAM) and the State party's entities, and that Komnas HAM has been accorded "A" status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the Committee also notes that concerns have been raised regarding, inter alia, the tenure of the members of Komnas HAM and the lack of adequate funding (art. 2).

The State party should take appropriate measures to address the concerns raised with regard to Komnas HAM, including the tenure of its members, and to provide it with adequate financial and human resources in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

(8) The Committee regrets the failure by the State party to implement article 43 of Law 26 of 2000 in order to establish a court to investigate cases of enforced disappearance committed between 1997 and 1998 as also recommended by Komnas HAM and the Indonesian Parliament. The Committee particularly regrets the impasse between the Attorney General and Komnas HAM with regard to the threshold of evidence that should be satisfied by Komnas HAM before the Attorney General can take action. The Committee further regrets the prevailing climate of impunity and lack of redress for victims of past human rights violations, particularly those involving the military (art. 2).

The State party should, as a matter of urgency, address the impasse between Komnas HAM and the Attorney General. It should expedite the establishment of a court to investigate cases of enforced disappearance committed between 1997 and 1998 as recommended by Komnas HAM and the Indonesian Parliament. Furthermore, the State party should effectively prosecute cases involving past human rights violations, such as the murder of prominent human rights defender Munir Said Thalib on 7 September 2004, and provide adequate redress to victims or members of their families.

(9) The Committee is concerned at the lack of a clear provision in article 28I of the Constitution of 1945 and Regulation in lieu of Law No. 23 of 1959 (regulating the rights that are non-derogable in a state of emergency) to dispel any doubts that certain rights, including the right not to be imprisoned merely on the ground of inability to fulfil a contractual obligation protected under article 11 of the Covenant, cannot be derogated from during a state of emergency (arts. 2 and 4).

The Committee recalls its general comment No. 29 (2001) and urges the State party to ensure clarity in its legislation governing states of emergency so that all rights protected under article 4 of the Covenant, including the right protected under article 11 of the Covenant, are not derogated from during a state of emergency, and to ensure that the requirements of such derogations are consistent with the Covenant.

(10) The Committee regrets that the State party suspended its de facto moratorium on the death penalty and has resumed executions. The Committee regrets that death sentences are imposed by courts for drug crimes, which do not meet the threshold of the "most serious crimes" set under article 6 of the Covenant (art. 6).

The State party should reinstate the de facto moratorium on the death penalty and should consider abolishing the death penalty by ratifying the Second Optional Protocol to the Covenant. Furthermore, it should ensure that, if the death penalty is maintained, it is only for the most serious crimes. In this regard, the Committee recommends that the State party review its legislation to ensure that crimes involving narcotics are not amenable to the death penalty. In this context, the State party should consider commuting all sentences of death imposed on persons convicted for drug crimes.

(11) While noting that the State party is in the process of finalizing a gender equality bill, and recognizing the State party's efforts to improve the representation of women in political office through the introduction of temporary special measures, such as the 30 per cent quota for women's representation in political parties, the Committee regrets the lack of information on similar measures to facilitate the representation of women beyond political parties. The Committee appreciates the data provided in the replies to list of issues on the representation of women in the judiciary. However, it is concerned at the lack of data on the representation of women in the private sector (arts. 3 and 26).

The State party should strengthen its efforts to increase the participation of women in political and public affairs as well as in the private sector and, if necessary, through the extension of temporary special measures to give effect to the provisions of the

Covenant. The Committee urges the State party to include in its next periodic report disaggregated statistical data on the representation of women in the private sector.

(12) The Committee regrets the State party's issuance of Regulation No. 1636 of 2010, following a fatwa (ruling) by the Ulema Council, which permits medical practitioners to perform female genital mutilation (FGM), including on 6-month-old babies. The Committee regrets the State party's explanation that a previous ban against FGM led to an increase in its practice by non-medical practitioners, exposing women to grave risks of harmful forms of FGM and that the current regulation would better protect women (art. 7).

The State party should repeal Ministry of Health Regulation No. 1636 of 2010, which authorizes the performance of FGM by medical practitioners (medicalization of FGM). In this connection, the State party should enact a law that prohibits any form of FGM and ensure that it provides adequate penalties that reflect the gravity of this offence. Furthermore, the State party should make efforts to prevent and eradicate harmful traditional practices, including FGM, by strengthening its awareness-raising and education programmes. In this regard, the national-level team established to develop a common perception on the issue of FGM should ensure that communities where the practice is widespread are targeted in order to bring a change in mindset.

(13) While noting the State party's efforts to eradicate violence against women, such as the establishment of the National Commission on Violence against Women (Komnas Perempuan), the Committee is concerned at the prevalence of such violence, which is exacerbated by a culture of silence and stereotypical attitudes on the role of women in the State party. The Committee is also concerned that, while the Penal Code puts the maximum penalty for rape at 12 years' imprisonment, courts in the State party impose lenient penalties on rapists (arts. 2, 3 and 7).

The State party should adopt a comprehensive approach to prevent and address violence, including domestic violence, against women in all its forms and manifestations, including through awareness-raising on its harmful effects. In this regard, the State party should adopt programmes to eradicate stereotypes regarding the role of women and to ensure that it encourages female victims of violence to report such incidents to law enforcement authorities. The State party should ensure that cases of violence against women are thoroughly investigated, that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are provided with adequate reparations. Furthermore, the State party should conduct regular training for judges and magistrates to ensure that the crime of rape is punished with appropriate penalties commensurate to the gravity of the offence.

(14) While taking note of the existence of a bill on the Penal Code that seeks to provide for a comprehensive definition of torture and attendant penalties, the Committee is concerned at the inordinate delay in its enactment, leaving victims of acts of torture without adequate remedies (arts. 2 and 7).

The State party should expedite the process of the enactment of a revised Penal Code. It should ensure that the revised Penal Code includes a definition of torture that covers all of the elements contained in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the Covenant. The State party should also ensure that the law adequately provides for the effective investigation and prosecution of perpetrators of such acts and their accomplices; that, if convicted, perpetrators and their accomplices are punished with sanctions commensurate with the seriousness of the crime; and that victims are adequately compensated. Furthermore, the State party should ensure that law enforcement personnel receive training on prevention and investigation of torture and ill-treatment by integrating the Manual on the Effective Investigation and

Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) into all their training programmes.

(15) The Committee regrets the use of corporal punishment in the penal system, particularly in Aceh province, where the Acehnese Criminal Law (Qanun Jinayah), inter alia, provides for penalties that violate article 7 of the Covenant, such as flogging, for offences against the *qanun* (by-law) governing attire, the *qanun khalwat* (prohibiting a man and a woman from being alone in a quiet place) and the *qanun khamar* (prohibiting the consumption of alcohol). The Committee also regrets that the execution of these sentences by sharia police (Wilayatul Hisbah) disproportionately affects women (arts. 2, 3, 7 and 26).

The State party should take practical steps to put an end to corporal punishment in the penal system and in all settings. In this regard, the State party should repeal the Acehnese Criminal Law (Qanun Jinayah), which permits the use of corporal punishment in the penal system. The State party should act vigorously to prevent any use of corporal punishment under this law as a form of punishment for criminal offences until it is repealed.

(16) The Committee is concerned at increased reports of excessive use of force and extrajudicial killings by the police and the military during protests, particularly in West Papua, Bima and West Nusa Tenggara. The Committee is particularly concerned at reports that the State party uses its security apparatus to punish political dissidents and human rights defenders. The Committee is also concerned that the National Police Commission, which is mandated to receive public complaints against law enforcement personnel, is weak as it has neither powers to summon law enforcement personnel nor the mandate to conduct independent investigations (arts. 6 and 7).

The State party should take concrete steps to prevent the excessive use of force by law enforcement officers by ensuring that they comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It should also take appropriate measures to strengthen the National Police Commission to ensure that it can effectively deal with reported cases of alleged misconduct by law enforcement personnel. Furthermore, the State party should take practical steps to put an end to impunity for its security personnel regarding arbitrary and extrajudicial killings, and should take appropriate measures to protect the rights of political dissidents and human rights defenders. The State party should systematically and effectively investigate and prosecute cases of extrajudicial killings and, in the event of a conviction, punish those responsible, and provide adequate compensation to the victims' families.

(17) The Committee is concerned at reports suggesting failure on the part of State authorities to protect victims of violent attacks motivated by religious hatred, such as the attack on members of the Shia group on Madura Island in August 2012. It is further concerned about the lenient penalties imposed on the perpetrators of violent attacks motivated by religious hatred, such as the 12 perpetrators of the attacks against members of the Ahmadiyya group at Cikeusik, Banten in February 2011 (arts. 2, 6, 7 and 26).

The State party should take all measures to protect victims of religiously motivated attacks; to investigate and prosecute the perpetrators of these attacks and ensure that, if the perpetrators are convicted, appropriate sanctions are imposed; and to provide victims with adequate compensation.

(18) While welcoming the adoption of Law No. 21 of 2007 on eradication of trafficking in persons and noting the State party's information that the number of trafficking cases had decreased in the period from 2011 to June 2013 (CCPR/C/IDN/Q/1/Add.1, para. 160), the Committee remains concerned at the prevalence of sex tourism and trafficking in the State party (art. 8).

The State party should intensify its efforts to identify victims of trafficking and ensure the systematic collection of data on trafficking, which should be disaggregated by age, sex and ethnic origin, and should also focus on trafficking flows from, to and in transit through its territory. The State party should intensify the provision of training programmes to police officers, border personnel, judges, lawyers and other relevant personnel in order to raise awareness of this phenomenon and the rights of victims. Furthermore, the State party should ensure that all perpetrators of trafficking in persons are investigated, prosecuted and, if convicted, adequately sanctioned, and should guarantee that adequate protection, reparation and compensation is provided to victims.

(19) The Committee is concerned that under the Criminal Procedure Code a detained person may be held in police custody for a period up to 20 days, without being brought before a judge, which period might be extended up to 60 days and even longer for suspects of terrorism. While appreciating that the State party is in the process of revising the Criminal Procedure Code and taking into account the additional information provided by the State party's delegation, the Committee is concerned that the new bill only proposes a reduction of the period of detention from 20 days to 5 days (art. 9).

The Committee encourages the State party to ensure that the Criminal Procedure Code be revised in order to provide that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours.

(20) While taking note of the State party's efforts to sign memorandums of understanding with, inter alia, the Ombudsman and Komnas HAM in order to improve oversight over correctional facilities, the Committee is concerned that no oversight body is allowed to conduct unannounced visits to places of deprivation of liberty in the State party. The Committee is also concerned at reports of undue restrictions on oversight bodies to visit places of deprivation of liberty that are under the authority of the military (art. 9).

The State party should revise its policies to ensure that oversight bodies for correctional facilities have the power to conduct unannounced visits of all prisons and detention facilities. Furthermore, the State party should facilitate the conduct of visits by these oversight bodies to all places of deprivation of liberty, including those under the authority of the military.

(21) The Committee notes the efforts by the State party to improve conditions of prisons by constructing new facilities. However, the Committee is concerned at reports of overcrowding, lack of segregation of appropriate categories of prisoners, and deaths of prisoners, which are related to poor sanitation and lack of adequate health care. The Committee is also concerned at the lack of data on complaints lodged by prisoners against prison authorities (art. 10).

The State party should expedite its efforts to reduce overcrowding in places of detention, including by resorting to alternatives to imprisonment, and improve conditions of detention, particularly with regard to medical care, in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners. The State party should include, in its next periodic report, statistical data on complaints lodged by prisoners against prison personnel.

(22) While noting the State party's response that Law No. 19 of 2000 on taxation regulates punishment for tax evasion and, therefore, does not regulate civil debts, the Committee is concerned at the increasing number of reports that the *gijzeling* system is abused by police officers, whereby individuals are detained purely for failing to pay a civil debt to their creditors (art. 11).

The Committee urges the State party to take measures to put an end to the abuse by police officers of the *gijzeling* system. In this regard, the Committee recommends that the State party investigate and prosecute such cases and ensure that the perpetrators, if convicted, receive appropriate sanctions.

(23) The Committee welcomes efforts by the State party to address corruption in the judiciary, such as the establishment of the Task Force on the Eradication of the Judicial Mafia, which has been replaced by a presidential working unit, and the adoption of Presidential Directive No. 17 of 2011 on a national strategy of corruption prevention and eradication. However, the Committee remains concerned at reports of corruption in the provision of legal aid and generally in the administration of justice (art. 2 and 14).

The State party should take effective measures to eradicate corruption in the administration of justice, including in the provision of legal aid. The State party should strengthen its efforts to ensure prompt, thorough and independent investigations into allegations of corruption in the judiciary and in the provision of legal aid, and prosecute and punish perpetrators, including judges who may be complicit.

(24) The Committee expresses its concern over the recently adopted Law on mass organizations, which introduces undue restrictions on the freedoms of association, expression and religion of both domestic and "foreign" associations. The Committee is particularly concerned at the provisions in the law that introduced onerous requirements for registration, and the vague and overly restrictive requirements that such associations should be in line with the State's official philosophy of *Pancasila*, which propagates the belief "in the One and Only God" (arts. 18, 19 and 22).

The Committee urges the State party to review the Law on mass organizations to ensure that it is in compliance with the provisions of articles 18, 19 and 22 of the Covenant as expounded by the Committee in its general comments No. 22 (1993) on the right to freedom of thought, conscience and religion and No. 34 (2011) on the freedoms of opinion and expression.

(25) The Committee regrets that Law No. 1 of 1965 on defamation of religion, which prohibits the interpretations of religious doctrines considered divergent from the teachings of protected and recognized religions, the 2005 edicts by the Indonesian Ulema Council and the 2008 Joint Decree by the Minister for Religious Affairs and others, unduly restrict the freedom of religion and expression of religious minorities, such as the Ahmadiyya. The Committee is also concerned at reports of the persecution of other religious minorities, such as Shia and Christians, who are subjected to violence by other religious groups and law enforcement personnel (arts. 18, 19, 21 and 22).

Notwithstanding the decision of the Constitutional Court upholding Law No. 1 of 1965 on defamation of religion, the Committee is of the view that the said law is inconsistent with the provisions of the Covenant and that it should be repealed forthwith. The Committee reiterates its position as stated in paragraph 48 of general comment No. 34, that: "Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. ... Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith." Furthermore, the Committee recommends that the State party provide adequate protection against violence perpetrated against members of religious minorities.

(26) The Committee takes note that the State party is currently in the process of formulating a bill that will serve as a legal framework to enhance religious tolerance. The Committee also acknowledges the efforts of the State party to reform the school curricula in order to provide the possibility for students of various religious backgrounds to study the religion to which they adhere. The Committee further notes that religion is taught at schools as a compulsory subject and that the State party intends to only partly extend the list of religions to be taught. However, it does not intend to provide students with a choice among religions in which to be instructed, and it does not intend to provide a possibility to avoid religious education altogether (arts. 2 and 18).

The Committee is of the view that the right to freedom of thought, conscience and religion implies not only the freedom to accept and follow particular religions or beliefs but also the right to reject them. The Committee recalls its general comment No. 22 and reminds the State party that "public education that includes instruction in a particular religion or belief is inconsistent with article 18 (4) unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians" (general comment No. 22, para. 6). The Committee, therefore, recommends that the State party reform the education curricula to promote religious diversity as well as to ensure that the preferences of believers and of non-believers are both accommodated.

(27) The Committee is concerned at the application of the defamation provisions of the Criminal Code and Law No. 11 of 2008 on information and electronic transactions to stifle legitimate criticism of State officials (art. 19).

The State party should consider revising its defamation law and, in particular, the Law on information and electronic transactions, to ensure that they are in compliance with article 19 of the Covenant.

(28) While noting that, unlike in other provinces in the State party, protesters in Papua are not required to obtain a permit from the police before holding demonstrations, the Committee remains concerned at undue restrictions of the freedom of assembly and expression by protesters in West Papua (arts. 19 and 21).

In line with the Committee's general comment No. 34, the State party should take the necessary steps to ensure that any restrictions to the freedom of expression comply fully with the strict requirements of article 19, paragraph 3, of the Covenant, as further clarified in general comment No. 34. The State party should ensure the enjoyment by all of the freedom of peaceful assembly and protect protesters from harassment, intimidation and violence. The State party should consistently investigate such cases and prosecute those responsible.

(29) The Committee is concerned at reports of the prevalence of the practice of polygamy and that the minimum age of marriage for girls is 16 years whereas it is 19 years for boys. The Committee is also concerned at reports of the persistence of early marriages among girls in the State party (arts. 2, 3, 24 and 26).

The State party should take appropriate measures to ensure that its legislation effectively prohibits polygamy and is effectively implemented, and conduct awareness campaigns among the population, in particular among women, on its prohibition and its negative effects. The State party should review its legislation in order to prohibit early marriages. The State party should further strengthen measures to combat early marriage by putting in place mechanisms in the provinces and by pursuing community awareness-raising strategies focusing on the consequences of early marriages. The State party should also collect data on polygamy and early marriages and provide it to the Committee in its periodic report.

(30) The Committee welcomes Constitutional Court Decision No. 46/PUU-VIII/2010 of 17 February 2012, which clarifies Law No. 1 of 1974 on marriage with regard to the right of inheritance of children born out of wedlock. However, the Committee is concerned that no efforts have been made to revise the law, which leaves it to the public and authorities to interpret and implement the Constitutional Court decision (arts. 2 and 24).

In the light of the decision of the Constitutional Court on the right to inheritance for children born out of wedlock, the Committee urges the State party to take legislative steps to revise the Law on marriage and relevant legislation in line with the decision of the Constitutional Court and the Covenant.

(31) The State party should widely disseminate the Covenant, the text of the initial report, the written responses it has provided in response to the list of issues drawn up by the Committee and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party, when preparing its second periodic report, to broadly consult with civil society and non-governmental organizations.

(32) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 8, 10, 12 and 25 above.

(33) The Committee requests the State party, in its next periodic report, due by 26 July 2017, to provide specific, up-to-date information on all its recommendations and on the Covenant as a whole.

123. Albania

(1) The Committee considered the second periodic report of Albania (CCPR/C/ALB/2) at its 2990th and 2991st meetings (CCPR/C/SR.2990 and 2991), held on 15 and 16 July 2013. At its 3003rd meeting (CCPR/C/SR.3003), held on 24 July 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of Albania's second periodic report and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high level delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/ALB/Q/2/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

(3) The Committee notes the adoption of the following legislative measures:

(a) The Law on protection of children's rights, in 2010;

(b) The Law on protection against discrimination, in 2010, and the amendment of the Criminal Code in 2013, which widened the protection against discrimination on the basis of sexual orientation;

(c) The Law on gender equality in society, in 2008; and

(d) The Law on measures against violence in family relations, in 2006.

(4) The Committee welcomes the ratification of or accession to all core United Nations human rights treaties and, with a few exceptions, their optional protocols.

(5) The Committee also welcomes the following institutional and policy measures:

(a) The National Strategy for gender equality and the reduction of gender-based violence and domestic violence 2011–2015, adopted in 2011;

(b) The National Strategy for the fight against child trafficking and the protection of trafficked children, adopted in 2008; and

(c) The National Strategy for Roma and the Decade of Roma Inclusion (2010–2015).

C. Principal matters of concern and recommendations

(6) The Committee is concerned at the limited human and financial resources allocated to the Office of the Ombudsman, the lack of a clear division of work between the Office of the Ombudsman and the Office of the Commissioner for Protection against Discrimination, as well as the limited follow-up to and implementation of the Ombudsman's recommendations (art. 2).

The State party should provide the Office of the Ombudsman with the necessary financial and human resources to ensure that it can effectively and independently implement its mandate in line with the Paris Principles (General Assembly resolution 48/134, annex). It should also guarantee better coordination between the two offices so as to avoid an overlap of activities, and intensify its efforts in responding diligently and promptly to the Ombudsman's recommendations.

(7) While welcoming the increased representation of women in public administration positions, the Committee notes with concern that women remain underrepresented in Parliament. In this regard, the Committee is particularly concerned about prevailing attitudes among political parties that are reluctant to abide by the rule that sets a 30 per cent quota for women on the lists of candidates. The Committee is concerned about the lack of information provided on complaints concerning the gender wage gap despite reports underlining this situation, the low level of awareness on the principle of equal pay for work of equal value between men and women, and the limited oversight exercised by the Labour Inspectorate (arts. 2, 3 and 26).

The State party should:

(a) Intensify its efforts to achieve equitable representation of women in Parliament and at the highest levels of the Government, judiciary and public service, including through the application of temporary special measures. In this regard, the State party is urged to take effective measures to render more effective existing measures to ensure equitable gender representation in Parliament; and

(b) Ensure that women enjoy equal pay for work of equal value, as provided for in the Labour Code and, to this end, strengthen labour inspection measures as well as identify and effectively address the reasons for the lack of sufficient implementation of the law, including lack of awareness, prevailing social attitudes and obstacles to access to justice for affected women.

(8) While welcoming various legislative and institutional measures adopted to protect the rights of lesbian, gay, bisexual and transgender (LGBT) persons, the Committee is concerned at the prevalence of stereotypes and prejudices against LGBT persons. In this regard, the Committee is particularly concerned about negative statements by public officials against LGBT persons (arts. 2 and 26).

The State party should intensify its efforts to combat stereotypes and prejudice against LGBT persons, including by launching a sensitization campaign aimed at the general public and providing appropriate training to public officials so as to put an end to the social stigmatization of LGBT persons. The State party should investigate allegations of discriminatory statements against LGBT persons by public officials and take appropriate measures to prevent such statements in the future.

(9) The Committee is concerned that investigations into allegations of human rights violations that occurred during the January 2011 demonstrations, including the death of four civilians and reports of ill-treatment by police officers against demonstrators, have not been finalized and that victims have not been compensated (arts. 2, 6 and 7).

The State party should intensify its efforts to conclude its investigation into the January 2011 demonstrations, ensure compliance with international standards of investigation, and to this end, bring perpetrators to justice, punish them adequately, if convicted, and compensate victims.

(10) The Committee welcomes the information provided by the State party about the introduction of more severe sanctions for blood feud-related crimes in the Criminal Code. However, it remains concerned at the persistence of this phenomenon, as well as reports of inadequate implementation of the law, ineffective police investigation into such cases, and limited convictions. The Committee is particularly concerned about the difficult situation of families, including children, who have confined themselves to their homes for fear of retribution (arts. 2, 6, 12 and 24).

The State party should take more effective measures to close the gap between law and practice. It should effectively investigate all cases of blood feud-related crimes, bring perpetrators to justice, punish them with commensurate sanctions, if convicted, and ensure that victims are adequately compensated. The State party should intensify its efforts to identify families who have confined themselves to their homes as a result of this phenomenon and respond to their needs, particularly those of children.

(11) While commending the State party for criminalizing domestic violence and spousal rape in its Criminal Code, the Committee notes with regret the continuing reports of domestic violence against women and children, including corporal punishment. It is particularly concerned at reports of ineffective police investigation into complaints of domestic violence, which in turn result in actual impunity of perpetrators. The Committee is also concerned about the rare number of convictions and the lack of follow-up to protection orders, rendering them largely ineffective. Finally, the Committee is concerned about the lack of a sufficient number of shelters for victims of domestic violence (arts. 3, 7 and 24).

The State party should:

(a) Adopt a comprehensive approach to preventing and addressing violence against women and children in all its forms and manifestations;

(b) Intensify its awareness-raising measures among the police, judiciary, prosecutors, community representatives, women and men on the magnitude of domestic violence and its detrimental impact on the lives of victims;

(c) Encourage non-violent forms of discipline as alternatives to corporal punishment;

(d) Ensure that cases of domestic violence are thoroughly investigated by the police, perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and victims are adequately compensated;

(e) Take measures to follow-up on protection orders to ensure the safety of victims, and guarantee that violators of such orders are sanctioned; and

(f) Ensure the availability of a sufficient number of shelters with adequate resources. In this regard, the State party is encouraged to pursue its intention, as stated during the dialogue, and increase financial support to private shelters.

(12) While appreciating the inclusion of articles 86 and 87 in the State party's Criminal Code, criminalizing acts of torture and ill-treatment, the Committee is concerned at the large number of complaints against law enforcement officials of ill-treatment of persons deprived of their liberty, including Roma detained in the context of forcible evictions from their homes in 2012. The Committee is also concerned at the lack of information on case law that invokes article 86, and reports that investigations into such crimes rarely result in the conviction of perpetrators and compensation for victims (arts. 2, 7 and 10).

The State party should ensure strict implementation of the prohibition of torture and ill-treatment. In this regard, the State party should ensure that law enforcement personnel receive training on investigating torture and ill-treatment, by integrating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or degrading Treatment or Punishment (Istanbul Protocol) in all training programmes for law enforcement officials. The State party should ensure that allegations of torture and ill-treatment are effectively investigated, alleged perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the seriousness of the crime, and that victims are adequately compensated.

(13) The Committee is concerned that the automatic detention until deportation of all persons entering the country irregularly, including minors, and the lack of adequate information and referral of asylum seekers among such persons to the asylum procedure, exposes persons in need of international protection to a high risk of refoulement. The Committee is also concerned at the poor living conditions in transit reception facilities for asylum seekers and refugees (arts. 6, 7, 9 and 10).

The State party should ensure proper implementation of pre-screening procedures at the border and inside the country in order to ensure that persons in need of international protection are identified and referred to the asylum procedure, regardless of whether or not they entered the country in an irregular manner. It should refrain from detaining asylum seekers on the basis of the manner of entry into the country. It should improve living conditions in transit reception facilities.

(14) While taking note of the information provided by the State party that it is no longer considered a transit country for trafficking, the Committee is concerned that it remains a country of origin, mainly for trafficked women and children (arts. 3, 8 and 24).

The State party should reinforce existing measures to prevent and combat trafficking in persons. In particular, it should continue to identify victims of trafficking and take necessary measures to ensure that victims of trafficking are provided with medical, psychological, social and legal assistance. Protection should be provided to all witnesses and victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against those responsible. The State party should also devote sufficient resources to investigating cases of trafficking in persons by identifying those responsible, prosecuting them and imposing commensurate penalties.

(15) The Committee is concerned at reports that children in conflict with the law are ill-treated in police stations after arrest. It is also concerned at the lack of (a) chambers specifically designated for juveniles with specialized judges; (b) long-term rehabilitation programmes for such children; and (c) educational facilities for convicted children (arts. 7, 9, 10, and 24).

The State party should effectively investigate all allegations of ill-treatment of children in police stations. It should reform its juvenile justice system by (a) establishing juvenile chambers with trained judges; (b) creating long-term rehabilitation programmes with a view to facilitating the integration of those children in society after release; and (c) ensuring that imprisonment of children is a last resort and education facilities are provided for imprisoned children.

(16) The Committee is concerned about inhumane conditions of detention, including overcrowding and poor sanitation in detention facilities. The Committee is particularly concerned about reports that even the newly established facilities do not meet international standards (art. 10).

The Committee reiterates its concern about inhumane detention conditions (CCPR/CO/82/ALB, para. 16) and urges the State party to improve the conditions of detention for those held on remand and for convicted persons. It should also ensure that new facilities meet international standards, by allocating sufficient resources for their construction and operation.

(17) The Committee is concerned about the reportedly frequent incidence of arbitrary detention, that access to a lawyer after arrest is often hindered, and police decisions on the release of arrestees may be subject to bribes. The Committee is also concerned about undue delay in delivering court decisions in criminal cases; that the reason for the decision of the court of first instance is not delivered in a timely manner, which compromises the ability of the aggrieved party to appeal; that hearings are often not public; and that the transfer of files to the court of appeal is often delayed. The Committee is also concerned about the ineffectiveness of free legal aid for persons in need (arts. 9 and 14).

The State party should ensure full respect for article 9 of the Covenant, and to this end it should:

(a) Take measures to avoid arbitrary deprivation of liberty and ensure that victims of arbitrary detention are adequately compensated; and

(b) Ensure immediate access to a lawyer following arrest, and combat corruption.

The State party should uphold the right to a fair trial in line with article 14 of the Covenant. In this regard, it should:

(a) Urgently improve the functioning of the judicial system, including by increasing the number of qualified and professionally trained judicial personnel, and training judges and court staff in efficient case-management techniques;

(b) Ensure that adequate compensation is awarded in cases related to lengthy proceedings; and

(c) Ensure the actual availability of free legal aid in cases where the interest of justice so requires.

(18) The Committee is concerned at reports that corruption is widespread within the judiciary. The Committee is concerned that the process of selecting judges, particularly those at the highest level of the judiciary, is highly politicized and lengthy (art. 14).

The State party should intensify its efforts to reform the judiciary, including the Council of Justice, and guarantee that the selection of judges is based on the criteria of competence and independence. The State party should rigorously combat corruption, including by instituting procedures for vetting corrupt judges by an independent body and taking appropriate sanctions against them.

(19) The Committee is concerned about reports of harassment and attacks against journalists for carrying out their work, and information that lawsuits are filed against media organizations as a means of intimidation (art. 19).

Recalling its general comment No. 34 (2011) on freedoms of opinion and expression and its previous concluding observations (CCPR/CO/82/ALB, para. 19), the Committee recommends that the State party take effective measures to fully guarantee the right to freedom of opinion and expression in all its forms. It should also conduct effective investigations of reports concerning attacks or violence perpetrated against journalists and bring those responsible to justice. It should also prevent and refrain from using lawsuits against media organizations as a means of intimidation.

(20) The Committee is concerned about reports of lack of cooperation between the State party and the Greek authorities to establish the whereabouts of 502 Roma street children from Albania, who went missing after being arrested by Greek police for begging and who were allegedly admitted to a children's institution in Greece between 1998 and 2002 (art. 24).

The State party should intensify its efforts to engage with the Greek authorities with a view to finding out the truth surrounding the disappearance of those children and establishing their whereabouts. In doing so, the State party should involve the Ombudsman and relevant civil society organizations.

(21) While appreciating the measures taken to reduce the number of children in State institutions, the Committee remains concerned that parents, especially those living in poverty, still send their children to institutions. The Committee is concerned that living conditions in the institutions are poor; some children are reportedly the subject of sexual abuse; others are forced into begging; and many children are homeless after leaving the institutions (arts. 23 and 24).

The State party should adopt a holistic approach in addressing the situation of children in institutions, and to this end, it should:

(a) Shape a family policy, in close cooperation with the State Agency for the Protection of Children's Rights, aimed at better supporting poor families and preventing the institutionalization of children;

(b) Intensify its measures to encourage the placement of children in alternative family-based settings;

(c) Regularly monitor all children's institutions and improve living conditions therein, also through adequate allocation of resources;

(d) Ensure provision of social services to all children in need thereof, and protect them from all forms of exploitation. In doing so, the State party should investigate allegations of sexual and economic abuse, bring the perpetrators to justice and rehabilitate the child victims;

(e) Strengthen educational opportunities, including vocational training, to children deprived of a family environment, with a view to preparing them for adult life and preventing homelessness.

(22) The Committee is concerned about the existence of laws that discriminate against persons with disabilities. It is also concerned that persons with disabilities tend to have a low economic status, which is exacerbated by untimely payment of their disability allowance, and about reports that the needs of persons with disabilities are not catered for in detention facilities. The Committee is particularly concerned about the legal restriction on

persons with disabilities to exercise their right to vote in the State party (arts. 2, 10, 25 and 26).

The State party should repeal or amend all legislation that discriminates against persons with disabilities, namely the amendments introduced in 2012 to the laws on the Status of the Blind and on the Paraplegic and Tetraplegic Disability Status. The State party should revise its legislation to ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on grounds that are disproportionate or that have no reasonable and objective relationship to their ability to vote. The State party should at all times, ensure full and timely payment of disability allowances and formulate and implement appropriate policies to improve the economic status of persons with disabilities.

(23) The Committee is concerned that despite the adoption of the National Strategy for Roma and the Decade of Roma Inclusion (2010–2015), the Roma minority continues to face discrimination in accessing housing, employment, education, social services and participating in political life (arts. 2, 25, 26 and 27).

The State party should take immediate steps, in consultation with the Ombudsman, the Commissioner for Protection against Discrimination, civil society organizations, and the Roma community to:

(a) Effectively implement the National Strategy for Roma and the Decade of Roma Inclusion (2010 to 2015), by allocating adequate earmarked resources and ensuring sufficient linkage between all Roma-related programmes;

(b) Include the Roma communities in housing schemes, and as a matter of priority, provide those forcibly evicted from their homes in 2012 with adequate and permanent housing;

(c) Act on the Ombudsman's recommendations on the Roma minority, particularly those relating to the education of Roma children;

(d) Refrain from blocking access to existing livelihoods of the Roma, facilitate a wide variety of employment opportunities, including through strengthening and expanding temporary special measures in the public sector and the provision of vocational training;

(e) Ensure that all Roma have identity cards so as to facilitate their right to vote.

(24) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the second periodic report, the written replies to the list of issues drawn up by the Committee and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee suggests that the report and the concluding observations be translated into the official languages of the State party. The Committee also requests the State party to broadly consult with civil society and non-governmental organizations when preparing its third periodic report.

(25) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations contained in paragraphs 9 and 13 above.

(26) The Committee requests the State party, in its next periodic report, to be submitted by 26 July 2018, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

124. Tajikistan

(1) The Committee considered the second periodic report of Tajikistan (CCPR/C/TJK/2) at its 2982nd and 2983rd meetings (CCPR/C/SR.2982 and CCPR/C/SR.2983), held on 9 and 10 July 2013. At its 3002nd meeting (CCPR/C/SR.3002), held on 23 July 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the second periodic report of Tajikistan and the information presented therein. It expresses appreciation for the constructive dialogue with the State party's high-level delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/TJK/Q/2/Add.1) to the list of issues (CCPR/C/TJK/Q/2), which were supplemented by the oral responses provided by the delegation.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption of the Law on Prevention of Domestic Violence in 2013, as well as the amendment of the Criminal Code in 2012 that incorporated a definition of torture in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and certain reforms of the Code of Criminal Procedure in 2010; and

(b) The adoption of the Commissioner for Human Rights Act in 2008.

C. Principal matters of concern and recommendations

(4) While taking note of article 10 of the State party's Constitution, according to which international agreements take precedence over national laws, the Committee regrets the lack of evidence that the domestic courts have given effect to the provisions of the Covenant. The Committee is also concerned about the absence of a national mechanism to implement the Committee's Views under the Optional Protocol, and about the failure to implement the Views adopted by the Committee in relation to the State party (art. 2).

The State party should take appropriate measures to raise awareness about the Covenant and its applicability in domestic law among judges, lawyers and prosecutors to ensure that its provisions are taken into account before domestic courts. The State party should include in its next periodic report detailed examples of the application of the Covenant by the domestic courts. It should take all the necessary measures, including legislative, to establish mechanisms to give full effect to the Committee's Views.

(5) While welcoming the appointment of the first Commissioner for Human Rights in May 2009, the Committee is concerned that the Office of the Commissioner is accredited only with B status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, for reasons that include its insufficient guarantees of independence and inadequate funding. The Committee is further concerned about information received on the lack of independence and ineffectiveness of the Office of the Commissioner (art. 2).

The State party should bring the Office of the Commissioner into full compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and provide it with the necessary

financial and human resources to ensure that it can effectively and independently implement its mandate.

(6) The Committee notes with concern that women remain underrepresented in the public sector, particularly in decision-making positions. Also, the Committee regrets the lack of information on the impact of the Law on State Guarantees of Equal Rights between Men and Women and Equal Opportunities in the public and private sectors. Finally the Committee is concerned about the resurgence of patriarchal attitudes and stereotypes concerning the role of women in the family and society (arts. 2, 3 and 26).

The State party should strengthen its efforts to increase the participation of women in the public and private sectors, including through the adoption of appropriate temporary special measures to give effect to the provisions of the Covenant. Furthermore the State party should ensure the full implementation of the above-mentioned law, and inform the Committee in its next periodic report of the impact of the Law on State Guarantees of Equal Rights Between Men and Women and Equal Opportunities. Moreover, the State party should undertake comprehensive measures to change regressive societal perception of gender roles in the public and private spheres.

(7) While welcoming the adoption of various measures to combat violence against women, the Committee notes with regret the continuing reports of domestic violence. The Committee is concerned that cases of domestic violence, including sexual violence, remain underreported and that domestic violence is accepted by the society at large. The Committee further regrets the lack of information on whether cases of domestic violence are, notwithstanding the will of the victim, investigated ex officio, and not only in cases of grave bodily harm (arts. 2, 3 and 7).

The State party should adopt a comprehensive approach to prevent and address all forms of domestic violence and:

(a) Intensify its awareness-raising campaigns targeting particularly community and religious leadership, men and women, on the adverse impact of domestic violence on women;

(b) Reinforce the post of the police inspector in charge of combating domestic violence by allocating adequate resources;

(c) Guarantee that cases of domestic violence are thoroughly investigated ex officio, regardless of the severity of the harm; that the perpetrators are brought to justice and, if convicted, punished with commensurate sanctions; and that victims are adequately compensated;

(d) Ensure the availability of a sufficient number of adequately resourced shelters.

(8) While welcoming the continued moratorium on the death penalty, the Committee regrets the slow progress of the process to abolish the death penalty and remove it from the State party's Criminal Code (art. 6).

The State party should expedite its efforts to abolish the death penalty and remove it from the Criminal Code and to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, in line with the information provided on the President's commitment to do so.

(9) The Committee is concerned about the number of violent deaths of persons deprived of liberty and the lack of effective investigations thereof, and that compensation to relatives is rarely provided. The Committee is also concerned about the unsatisfactory action taken

to resolve the problem of tuberculosis as a common cause of deaths of persons in custody and about the poor conditions in prison facilities (arts. 6 and 10).

The State party should ensure that all deaths in custody are fully and promptly investigated, that the perpetrators are brought to justice and that compensation is provided to the victims' families. The State party should also take effective measures to address deaths in custody due to tuberculosis and take appropriate measures to eradicate this phenomenon. The State party should gradually improve prison conditions and publish statistics on the number of prisoners held.

(10) The Committee is concerned about the allegations of civilian deaths and injuries during the security operation in Khorog city in July 2012 and that investigations into these cases have not yet been finalized (arts. 2, 6 and 9).

The Committee urges the State party to accelerate its efforts in finalizing the investigation surrounding the killing and wounding of civilians in the 2012 security operation, while ensuring its adherence to international standards of investigation. In this regard, the State party should establish accountability for perpetrators and compensate victims and their families.

(11) The Committee is concerned that the refusal to grant persons refugee status because of their irregular crossing of the State border or a late referral by the border services of asylum requests to the competent authorities leads to their detention and even refoulement, which is prohibited under the Covenant. The Committee is also concerned that frequent raids on refugees and asylum seekers staying in urban areas in contravention of Presidential Resolutions Nos. 325 and 328 lead to the rejection of asylum claims, refusal to issue or extend documents or even expulsion and deportation, in contravention of articles 6 and 7 of the Covenant (arts. 6, 7 and 12).

The State party should scrupulously respect the principle of non-refoulement. It should ensure that access to asylum procedures is not barred and applications are not turned down because refugees have entered the country irregularly or their cases were referred belatedly to competent authorities. The State party should guarantee that restrictions on freedom of movement under Presidential Resolutions Nos. 325 and 328 are never used as a basis for exposing any person to a risk of violation of articles 6 or 7 of the Covenant.

(12) The Committee is concerned at reports of unlawful expulsion and extradition. It is also concerned at the lack of sufficient time and clear procedures to challenge such decisions, and about the State party's overreliance on diplomatic assurances (arts. 6 and 7).

The State party should strictly apply the absolute principle of non-refoulement under articles 6 and 7 of the Covenant, and ensure that decisions on expulsion, return or extradition accord with the due process of the law. In this regard, the State party should exercise the utmost care in evaluating diplomatic assurances, and should refrain from relying on such assurances where it is not in a position to effectively monitor the treatment of such persons after their return and take appropriate action when assurances are not fulfilled.

(13) Despite information provided during the dialogue, the Committee remains concerned at reports concerning the abduction and illegal return of Tajik citizens from neighbouring countries to the State party, apparently followed by incommunicado detention and other ill-treatment (arts. 2, 7 and 9).

The State party should investigate all allegations of abductions and illegal returns of Tajik citizens, and avoid any involvement in such renditions. The State party should also investigate all related allegations of torture, ill-treatment and arbitrary detention, bring perpetrators to justice, and compensate victims.

(14) While welcoming the 2012 amendment of the Criminal Code incorporating the definition of torture in line with the Convention against Torture, the Committee is concerned at the widespread practice of torture of persons deprived of their liberty, including minors. Despite information provided by the delegation, the Committee also remains concerned at allegations of torture and ill-treatment of persons suspected of belonging to banned Islamic movements. Moreover, the Committee is concerned that: (a) investigations into allegations of torture or ill-treatment are inadequate; (b) an independent mechanism to examine such complaints is absent; (c) judges in pretrial detention hearings disregard such allegations; (d) coerced confessions are routinely used as evidence in courts despite the provision of the Criminal Procedure Code to the contrary; (e) convictions of public officials for committing acts of torture are rare; and (f) compensation to victims is rarely provided (arts. 2, 7, 10 and 14).

The State party should make greater efforts to close the gap between practice and law concerning torture. It should investigate effectively all allegations of torture or ill-treatment through an independent mechanism, and ensure that law enforcement personnel receive training on the investigation of torture and ill-treatment by integrating the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in all training programmes. The State party should launch ex officio investigations and should mandate judges in pretrial detention hearings to examine such allegations and refer for investigation. It should also guarantee the exclusion by the judiciary of evidence obtained under torture as provided by law. Moreover, it should bring alleged perpetrators to justice, and if convicted, punish them with commensurate sentences and compensate victims.

(15) The Committee expresses concern that corporal punishment is not explicitly prohibited in schools, and continues to be accepted and practised as a form of discipline by parents and guardians (arts. 7 and 24).

The State party should pursue its intention as stated during the dialogue and amend the Education Act (2004) to explicitly prohibit corporal punishment in schools. The State party should also take practical steps to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

(16) The Committee is concerned at: (a) the frequent failure to register detention following arrest within the time frame prescribed by the law, which facilitates the use of torture and ill-treatment with the aim of extracting confessions, and (b) the failure to apply procedural safeguards immediately after arrest despite the law in place, including access to a lawyer, family members and medical personnel. It is moreover concerned at the lack of systematic oversight of places of detention by organizations independent from the prosecution (arts. 7, 9, 10 and 14).

The State party should guarantee the registration of detainees within the legal time frame, and ensure that all arrested persons, including minors, fully enjoy their rights as required by the Covenant, including access to a lawyer, family members and medical personnel. It should also institute an independent mechanism for inspection of all detention facilities by relevant international humanitarian organizations and/or independent national human rights non-governmental organizations (NGOs).

(17) The Committee is concerned that arrested persons may routinely be detained up to 72 hours prior to being brought before a court, and at the excessive use of pretrial detention, which is imposed solely on the grounds of the gravity of the crime (art. 9).

The State party should ensure that persons in police custody are brought before a judge within a maximum period of 48 hours, and that the judge's decision on pretrial detention is based on individual circumstances, such as risk of flight, and not solely on the ground of the gravity of the crime.

(18) The Committee expresses its concern that judges lack security of tenure and other guarantees of independence from the executive, and do not operate as effective checks on prosecutors, and at reports that corruption is widespread in the judiciary. In addition, it is concerned that lawyers are harassed for carrying out their professional duties and are subject to external interference, particularly from the Ministry of Justice, and that a system of State-subsidized legal aid for persons in need facing criminal charges is not available (arts. 2, 9 and 14).

The State party is urged to intensify its efforts in reforming the judiciary and take effective measures to guarantee the competence, independence and tenure of judges, including by extending their tenure, providing for adequate salaries, and reducing the excessive powers of the Prosecutor's Office. The State party should also ensure that the procedures and criteria for access to and conditions of membership of the Bar do not compromise the independence of lawyers. The State party should create a State-subsidized legal aid system for persons in need.

(19) The Committee reiterates its previous concern (CCPR/CO/84/TJK, para. 18) that military courts still enjoy jurisdiction to examine criminal cases in which military personnel and civilians are jointly accused (art. 14).

The State party should without further delay prohibit military courts from exercising jurisdiction over civilians.

(20) The Committee is concerned at the severe restrictions on freedom of religion as expressed in the Freedom of Conscience and Religious Associations Act, the Law on Responsibility of Parents for Upbringing of Children, and the Administrative Code. It is particularly concerned that Tajik children may receive religious education only from State-licensed religious educational institutions and children below the age of 7 years are denied that right; that all religious education abroad is subject to State permission; and that the State party enjoys excessive power to control activities of religious associations. The Committee is particularly concerned at the absolute ban of several religious denominations within the State party, including Jehovah's Witnesses, and certain Muslim and Christian groups (arts. 2, 18, 22).

The State party should repeal or amend all provisions of the above-mentioned laws that impose disproportionate restrictions on the rights protected by article 18 of the Covenant. The State party should reverse its discriminatory refusal to register certain religious denominations.

(21) The Committee reiterates its previous concern (CCPR/CO/84/TJK, para. 20) about the State party's lack of recognition of the right to conscientious objection to compulsory military service, and at the absence of alternatives to military service (art. 18).

The State party should take necessary measures to ensure that the law recognizes the right of individuals to exercise conscientious objection to compulsory military service, and establish, if it so wishes, non-punitive alternatives to military service.

(22) The Committee expresses concern at reports that the State party does not respect the right to freedom of expression. In particular, it expresses concern that the new Law on the Periodical Press and Other Mass Media (2013) subjects media organizations to undue registration conditions, that journalists are subject to threats and assaults, that there is a practice of blocking news Internet websites and social networks, and that defamation lawsuits are filed against media organizations as a means of intimidation. While

appreciating the removal of defamation articles from the Criminal Code, the Committee remains concerned at the existence of penal provisions on libel and insult against the President (art. 137) and insult against government representatives (art. 330 (2)) (art. 19).

The State party should ensure that journalists and other individuals are able to freely exercise the right to freedom of expression in accordance with the Covenant. In this regard, the State party should ensure that individuals have access to Internet websites and social networks without undue restrictions, and that neither the State party nor its officials use the law on defamation for the purposes of harassing or intimidating journalists. The State party should review its legislation on libel and insult and should take all necessary steps to ensure that any restrictions on the exercise of freedom of expression fully comply with the strict requirements of article 19, paragraph 3, of the Covenant as further set out in the Committee's general comment No. 34 (2011) on freedoms of opinion and expression.

(23) The Committee expresses concern that the Law on Non-governmental Associations (2007) imposes undue conditions and restrictions on the registration of public associations and endows the Ministry of Justice with excessive oversight power, resulting in major practical obstacles and delays in the registration and operation of such groups. The Committee is further concerned at reports of the arbitrary shutting-down of various human rights-based NGOs, without observance of procedural safeguards or as a disproportionate response to technical irregularities (arts. 22 and 25).

The State party should bring its law governing the registration of NGOs into line with the Covenant, in particular with articles 22, paragraph 2, and 25. The State party should reinstate NGOs which were unlawfully shut down and should refrain from imposing disproportionate or discriminatory restrictions on the freedom of association.

(24) The Committee expresses its concern at reports of politically motivated harassment of opposition political leaders with a view to deterring their participation in future elections. In this regard, it is particularly concerned at reports of arbitrary detention of Zayd Saidov, the head of a new political party called New Tajikistan, and the secrecy surrounding his case before the court (arts. 9, 14, 25, 26).

The Committee urges the State party to foster a culture of political plurality and, to this end, desist from harassing opposition political parties and groups that are considered as holding contrary political views to the ruling party. The State party should ensure that Mr. Saidov is guaranteed the rights to liberty of person and fair trial, including the right to have his case publicly heard.

(25) While noting that minority groups, including ethnic minorities, are entitled to take part in political life in the State party without legal obstacles, the Committee is concerned that in reality their participation in decision-making bodies, particularly in the houses of parliament (the *Majilis*), is rather limited (arts. 26 and 27).

The State party should strengthen its efforts to promote the participation of minority groups in political life and decision-making bodies. The State party is requested to provide in its next periodic report data on the representation of minority groups in political bodies and decision-making positions.

(26) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the second periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and NGOs operating in the country, as well as the general public. The Committee also suggests that the report and the concluding

observations be translated into the other official language of the State party. The Committee also requests the State party, when preparing its third periodic report, to broadly consult with civil society and NGOs.

(27) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations in paragraphs 16, 18 and 23 above.

(28) The Committee requests the State party, in its next periodic report, due to be submitted by 26 July 2017, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

125. Czech Republic

(1) The Committee considered the third periodic report submitted by the Czech Republic (CCPR/C/CZE/3) at its 2992nd and 2993rd meetings (CCPR/C/SR.2992 and CCPR/C/SR.2993), held on 16 and 17 July 2013 respectively. At its 3003rd meeting (CCPR/C/SR.3003), held on 24 July 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the third periodic report of the Czech Republic and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high level delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/CZE/Q/3/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption of the Act on Equal Treatment and Legal Means of Protection against Discrimination ("Anti-discrimination Act") in 2009, assigning the role of national equality body to the Ombudsman;

(b) The adoption of the new Civil Code, abolishing the full deprivation of legal capacity as of 2014;

(c) The adoption of the National Action Plan for the Prevention of Domestic Violence (2011–2014), the introduction of restraint orders authorizing the police to expel perpetrators of domestic violence and the establishment of intervention centres in all regions of the State party;

(d) The establishment of Anti-Conflict Teams among police to prevent social conflict and the Organised Crime Detection Unit to fight against organized extremist crimes;

(e) The establishment of the Agency for Social Inclusion in Roma Localities, in 2008.

(4) The Committee welcomes the ratification by the State party of the following international instruments:

(a) The Rome Statute of the International Criminal Court in 2009; and

(b) The Convention on the Rights of Persons with Disabilities in 2009.

C. Principal matters of concern and recommendations

(5) While noting the information provided by the State party in relation to the extended mandate of the Public Defender of Rights, now also officially empowered to act as a national preventive mechanism for the purposes of the Optional Protocol to the Convention against Torture, the Committee is concerned that this institution has not been established as a consolidated national institution with broad competence in the field of human rights, in accordance with the Paris Principles (General Assembly resolution 48/134) (art. 2).

The State party should either provide the Public Defender of Rights with a consolidated mandate to more fully promote and protect all human rights, or achieve that aim by other means, with a view to establishing a national human rights institution with a broad human rights mandate and providing it with adequate financial and human resources, in line with the Paris Principles (General Assembly resolution 48/134, annex).

(6) While acknowledging the legislative measures adopted by the State party to improve the coordination of its implementation of the Committee's Views, the Committee expresses once again its concern at the State party's continuing failure to implement the Committee's Views under the Optional Protocol to the Covenant, in particular the numerous cases concerning the restitution of property under Act No. 87/91 of 1991. The Committee further recalls that, by acceding to the First Optional Protocol, the State party has recognized the Committee's competence to receive and examine complaints from individuals under the State party's jurisdiction, and that a failure to give effect to the Committee's Views would call into question the State party's commitment to the First Optional Protocol (art. 2).

The Committee urges the State party once again to review its position in relation to Views adopted by the Committee under the Optional Protocol to the Covenant and establish appropriate procedures to implement them, in order to comply with article 2, paragraph 3, of the Covenant, which guarantees the right to an effective remedy and reparation when there has been a violation of the Covenant.

(7) The Committee recalls its previous concluding observations (CCPR/C/CZE/CO/2, para. 11) and notes with concern that women continue to be underrepresented in decision-making positions in the public sector, particularly in Government ministries, parliament, regional councils and among governors. The Committee regrets that patriarchal stereotyped attitudes still prevail with respect to the position of women in society (arts. 2, 3, 25 and 26).

The State party should adopt concrete measures to increase the representation of women in decision-making positions in the public sector, and, where necessary, through appropriate temporary special measures to give effect to the provisions of the Covenant. It should also take steps to address the difficulties identified with regard to women's access to key positions in the hierarchies of political parties, as mentioned in paragraph 22 of the State party's third periodic report. The State party should take the necessary practical steps, including awareness-raising campaigns, to eradicate stereotypes regarding the position of women in society.

(8) The Committee is concerned that, despite the State party's efforts to combat extremism and the existing legal framework against incitement to racial hatred, an anti-Roma climate remains prevalent among the Czech population. The Committee is also concerned about the use of discriminatory remarks against the Roma by politicians and in the media and at the extremist demonstrations, marches and attacks directed against members of the Roma community (arts. 2, 19, 20 and 27).

The State party should redouble its efforts to combat all forms of intolerance against the Roma, by, inter alia:

(a) Establishing clear benchmarks and allocating sufficient resources to awareness-raising campaigns against racism to promote respect for human rights and tolerance for diversity, in schools among the youth, but also throughout the media and in the political arena;

(b) Actively engaging in nurturing respect for the Roma culture and history through symbolic acts, such as removing the pig farm located on a World War II Roma concentration camp in Lety;

(c) Increasing its efforts to ensure that judges, prosecutors and police officials are trained to be able to detect hate and racially motivated crimes;

(d) Taking all necessary steps to prevent racist attacks and to ensure that their alleged perpetrators are thoroughly investigated and prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

(9) While noting the adoption of various programmes to improve the situation of the Roma community, including the Strategy for Combating Social Exclusion 2011–2015 and the 2010 Roma Integration Concept, the Committee recalls its previous recommendation (CCPR/C/CZE/CO/2, para. 16) and notes with concern that Roma continue to suffer from discrimination, widespread unemployment, insufficient access to subsidized municipal housing, forced evictions and territorial segregation (arts. 2, 26 and 27).

The State party should establish a consolidated strategy with concrete goals, indicators and adequate budgetary allocations that contains enforceable measures to promote access by Roma to various opportunities and services at regional and municipal levels, including, where appropriate, through temporary special measures particularly designed to improve the availability of social housing and jobs. The State party should frequently monitor the implementation of the strategy at all levels and take additional steps to increase the representation of Roma in the civil service and public life.

(10) The Committee recalls its previous recommendation (CCPR/C/CZE/CO/2, para. 17) and reiterates its concern that Roma children continue to be overrepresented in schools for pupils with mild mental disabilities or "practical elementary schools". The Committee is further concerned at the continuing reports of placement of Roma children in Roma-only classes or classes with a limited curriculum in mainstream schools (arts. 26 and 27).

The State party should take immediate steps to eradicate the segregation of Roma children in its education system, by ensuring that the placement in schools and classes is carried out according to clear and objective criteria that are not adversely influenced by the child's ethnic group or socially disadvantaged condition. Furthermore, the State party should take concrete steps to ensure that decisions for the placement of all children, including Roma children, in special needs classes may not be made without an independent, culturally sensitive medical evaluation nor based solely on the capacity of the child.

(11) While welcoming the adoption of the Law on Specific Health Care Services, in force since 2012, defining the requirement of free, prior and informed consent with regard to sterilizations, the Committee remains concerned that no broad compensation mechanism has been established for victims who were forcibly sterilized and that only three victims have received compensation to date. Moreover, the Committee notes with concern that all the criminal proceedings initiated against alleged perpetrators of forced sterilization have been discontinued or statute-barred (arts. 2, 3, 7 and 26).

The State party should:

(a) Consider establishing a compensation mechanism for victims who were forcibly sterilized in the past and whose claims have lapsed;

(b) Ensure free legal assistance and advice to victims who were forcibly sterilized, so that they may consider lodging claims before the courts;

(b) Initiate criminal proceedings against possible perpetrators of coercive sterilization;

(e) Monitor the implementation of the Law on Specific Health Care Services to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization at health facilities.

(12) While noting that, according to the May 2013 proposal for the new Election Code, citizens with disabilities can only have their capacity to exercise the right to vote and take part in public life restricted by a court, the Committee is concerned at reports indicating a tendency of the courts to excessively restrict persons with disabilities, in particular mental, intellectual or psychosocial disabilities, in their legal capacity despite their de facto ability to engage in certain activities, such as voting (arts. 2, 25 and 26).

The State party should ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on bases that are disproportionate or that have no reasonable and objective relationship to their ability to vote, taking account of article 25 of the Covenant.

(13) The Committee is concerned that persons deprived of, or with limited legal capacity can be confined in social care institutions by the decision of their guardians or legal representatives without being subject to any legal requirement for justification for their confinement or consideration of less restrictive alternatives. In addition, it is concerned that they do not have a legal right to bring proceedings to have the lawfulness of their confinement decided by a court, nor is the decision on their confinement limited to a maximum period of time after which the decision has to be reviewed (arts. 2, 9, 10 and 26).

The State party should:

(a) Review its policy of limiting the legal capacity of persons with mental disabilities and establish the necessity and proportionality of any measure on an individual basis, with effective procedural safeguards, ensuring in any event that all persons who have their legal capacity restricted will have prompt access to an effective judicial review of the decisions and free and effective legal representation in all proceedings regarding their legal capacity;

(b) Ensure that persons with mental disabilities or their legal representatives are able to exercise the right to effective remedy against violations of their rights, and seriously consider providing less restrictive alternatives to forcible confinement and treatment of persons with mental disabilities, as provided for in the National Plan on the transformation of psychiatric, health, social and other services for adults and children with intellectual or psychosocial disabilities;

(c) Ensure an effective and independent monitoring and reporting system of mental health and social care institutions, and ensure that abuses are effectively investigated and prosecuted and that compensation is provided to the victims and their families.

(14) While noting that the use of enclosed restraint beds (cages/net beds) on psychiatric patients is now regulated under the Health Care Services Act, the Committee is concerned at reports of excessive and unsupervised use of these and other restraints in psychiatric

institutions and the poor monitoring of control mechanisms. The Committee recalls that this practice constitutes inhuman and degrading treatment (arts. 7 and 10 of the Covenant).

The State party should take immediate measures to abolish the use of enclosed restraint beds in psychiatric and related institutions. The State party should also ensure that any decision to use restraints or involuntary seclusion should be made after a thorough and professional medical assessment to determine the restraint strictly necessary to be applied to a patient and for the time strictly required. Furthermore, the State party should establish an independent monitoring and reporting system, and ensure that abuses are effectively investigated and prosecuted and that redress is provided to the victims and their families.

(15) While noting the adoption of the National Action Plan for the Prevention of Domestic Violence (2011–2014) and the introduction of restraint orders, the Committee is concerned at the low level of reporting of cases of domestic violence to the police (arts. 3 and 7).

The State party should adopt concrete measures to prevent and address gender-based violence in all its forms and manifestations. The State party should encourage the reporting of cases of domestic violence by victims. It should also ensure that such cases are thoroughly investigated, that perpetrators are prosecuted, and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

(16) While noting the various programmes implemented by the State party to combat trafficking in human beings and to support victims through the Programme of Support and Protection of Victims of Human Trafficking, the Committee is concerned at the persistence in the State party of this phenomenon (art. 8).

The State party should:

(a) Continue its efforts to raise awareness and to combat trafficking in persons, including at the regional level and in cooperation with neighbouring countries;

(b) Compile statistical data on the victims of trafficking, which should be disaggregated by gender, age, ethnicity and country of origin, with a view to addressing the root causes of this phenomenon and assessing the efficiency of the programmes and strategies that are presently carried out;

(c) Ensure that all individuals responsible for trafficking in persons are prosecuted and receive punishment commensurate with the crimes committed.

(17) The Committee recalls its previous concluding observations (CCPR/C/CZE/CO/2, para. 15) and notes with concern that foreign minors awaiting deportation could be detained for up to 90 days in detention centres. The Committee is further concerned that foreigners may be detained on grounds that are not narrowly defined, such as failure to observe their duties during their stay, and that existing alternatives to administrative detention do not seem to be applied systematically. Finally, the Committee notes that, according to the Asylum Act, asylum seekers may be placed in reception centres for up to 120 days, sometimes in inadequate facilities, such as at Vaclav Havel airport (arts. 9, 10, 13 and 24).

The State party should:

(a) Reduce the maximum legal period of detention for foreign minors awaiting deportation and, in any event, ensure that detention of children is permitted only as a measure of last resort and for the shortest appropriate period;

(b) Take measures to ensure that the detention of foreigners is always reasonable, necessary and proportionate in light of their individual circumstances, that detention is resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention have been duly considered and deemed not appropriate;

(c) Ensure that the holding of asylum-seekers in reception centres is applied only as a measure of last resort for the shortest appropriate period, after due consideration of less invasive means;

(d) Ensure that the physical conditions in all immigration detention and reception centres are in conformity with international standards.

(18) While welcoming the legislative measures aimed at reducing the prison population, as well as the increase in accommodation capacities, allowing for an overall reduction of the prison population, the Committee remains concerned at reports of degrading sanitary conditions and lack of privacy in prisons, as well as complaints regarding the quality and availability of medical care services. Furthermore, the Committee is concerned at the conditions of work of prisoners, whose average monthly wages are far below the national minimum salary, have not been updated for many years and are further reduced by 32 per cent in order to pay for their incarceration costs (art. 10).

The State party should continue to take measures to improve prison conditions on a sustainable basis, including with regard to adequate health services and sanitary conditions, with a view to achieving full compliance with the requirements of article 10. In this regard, the State party should strive to achieve sufficient staffing levels to meet the ratio established in the Standard Prisoner Decree. The State party should ensure that prisoners are adequately supervised when working for private entities and that prisoners are equitably remunerated for their work. The State party should reconsider the policy of obliging prisoners to pay their incarceration costs.

(19) While welcoming the criminalization of various forms of child abuse, and the various initiatives to prevent these practices, the Committee is concerned at the large number of victims of sexual abuse and the small number of cases that are reported by the victims themselves. The Committee is also concerned that corporal punishment is currently not explicitly prohibited by law in public institutional settings and in the home (arts. 7 and 24).

The State party should further strengthen its efforts to combat child abuse by improving mechanisms for its early detection, encouraging reporting of suspected and actual abuse and taking steps to ensure that all cases of abuse of children are effectively and promptly investigated, and that perpetrators are brought to justice. The State party should also take practical steps to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct more public information campaigns to raise awareness about its harmful effects.

(20) The Committee is concerned that, although children under the age of 15 are not held criminally responsible, they are subject to standard pretrial criminal proceedings when suspected of an unlawful act, without the required legal assistance or the possibility of accessing their file (arts. 14 and 24).

The State party should:

(a) Ensure, as a minimum, that children under the age of 15 suspected of an unlawful act enjoy the same standard criminal procedural safeguards at all stages of criminal or juvenile proceedings, in particular the right to an appropriate defence;

(b) Consider, wherever appropriate, dealing with juveniles suspected of an unlawful act who are not held criminally responsible without resorting to formal trials or placing them in institutional care;

(c) Consider the desirability of training all professionals involved in the juvenile justice system in relevant international standards, including the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).

(21) The Committee is concerned that the offence of defamation is still penalized with deprivation of liberty, which may discourage the media from publishing critical information on matters of public interest, and which is a threat to freedom of expression and access to information of all kinds (art. 19).

The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and developed at length in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. The State party should also consider decriminalizing defamation and should in any case restrict the application of criminal law to the most serious cases, bearing in mind that imprisonment is never an appropriate punishment in such cases.

(22) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the third periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the other official language of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.

(23) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations in paragraphs 5, 8, 11 and 13 (a) above.

(24) The Committee requests the State party, in its next periodic report, due to be submitted on 26 July 2018, to provide specific, up-to-date information on all its recommendations and on the Covenant as a whole.

126. **Finland**

(1) The Committee considered the sixth periodic report of Finland (CCPR/C/FIN/6) at its 2987th and 2988th meetings (CCPR/C/SR.2987 and 2988), held on 12 July 2013. At its 3003rd meeting (CCPR/C/SR.3003), held on 24 July 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the timely submission of Finland's sixth periodic report and the information presented therein. It expresses appreciation for the opportunity to renew constructive dialogue with the State party's delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/FIN/Q/6/Add.1) to the list of issues, which were supplemented by oral responses provided by the delegation.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

(i) The adoption of the Act on the promotion of immigrant integration (Integration Act, 1386/2010), in 2010;

(ii) The adoption of the Act on the reception of seekers of international protection (Reception Act, 746/2011), in 2011;

(iii) The adoption of the first National Action Plan on fundamental and human rights, in 2012;

(iv) The amendment of the Criminal Code (511/2011), which entered into force in June 2011; and

(v) The amendment of the Aliens Act, which entered into force in August 2010.

C. Principal matters of concern and recommendations

(4) The Committee regrets that the State Party maintains its reservations, in particular to article 14, paragraph 7, and article 20, paragraph 1, of the Covenant, which are, in the opinion of the Committee, without basis in the light of the Committee's interpretation of the said articles (art. 2).

The State party should constantly review its reservations to the Covenant and consider withdrawing them in whole or in part.

(5) While noting that the State party has incorporated the Covenant into its domestic legal order, the Committee is concerned that provisions of the Covenant have been invoked in only a few cases before national courts, since the consideration of the State party's previous report (art. 2).

The State party should take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors in order to ensure that its provisions are taken into account before national courts. It should also include in its next periodic report examples of the application of the Covenant by the domestic courts.

(6) While appreciating the ongoing reform of the State party's non-discrimination legislation, the Committee remains concerned about the persistent gender-based wage gap and the dismissal of women due to pregnancy and childbirth (arts. 3 and 26).

The State party should pursue and strengthen its measures to ensure, by means of legislation and policy, women's de facto equality with men in the labour market. The State party should clarify whether there is any provision for sanctions against the practice of dismissing women in cases of pregnancy and childbirth.

(7) While noting the efforts undertaken by the State party to combat violence against women, including the Action Plan to reduce violence against women 2010–2015, the Committee remains concerned about reports of gender-based violence, particularly rape, which is often not reported by victims and thus not investigated, prosecuted or punished by the authorities. The Committee regrets that the availability of services, including the number of shelters, is insufficient and inadequate to protect women victims of violence (arts. 3, 7 and 26).

The State party should intensify its efforts and take all necessary measures, including legislative reforms, to effectively prevent and combat all forms of violence against women, particularly sexual violence. The State party should ensure that services, including a sufficient number of shelters, are made available to protect women victims of violence and provide them with adequate financial resources. The State party

should also educate society on the prevalence of gender-based violence, including domestic violence, and improve coordination among the bodies responsible for preventing and punishing domestic violence, so as to ensure that such acts are investigated, and perpetrators prosecuted and, if convicted, punished with appropriate sanctions.

(8) The Committee is concerned that the State party's current legislation on combating discrimination based on sexual orientation and gender identity is not comprehensive, and therefore fails to protect against discrimination on all the grounds enumerated in the Covenant. It is also concerned about reports of acts of discrimination based on sexual orientation and gender identity (arts. 2 and 26).

The State party should increase its efforts in the field of combating and eliminating discrimination on grounds of sexual orientation and gender identity, inter alia, by implementing comprehensive legislative reform that guarantees equal protection from discrimination on all grounds.

(9) Despite the information furnished by the State party regarding the steps taken to protect victims of trafficking in persons, the Committee remains concerned by the State party's shortcomings in identifying women victims of trafficking. The Committee is particularly concerned about cases whereby women have been trafficked into the State party for the purposes of prostitution, but have only been identified as witnesses, rather than also being identified as victims of human trafficking, and are thus prevented from having adequate protection and assistance (art. 8).

The State party should continue its efforts to combat trafficking in human beings and consider amending its laws to ensure that victims of human trafficking, particularly female victims of sexual abuse and exploitation, are identified as such, in order to provide them with appropriate assistance and protection. The State party should also run public awareness campaigns, continue training police and immigration officers and strengthen its cooperation mechanisms with neighbouring countries to prevent trafficking in persons.

(10) The Committee reiterates its concern that the Metsälä detention centre, the only detention unit for asylum seekers and irregular migrants in Finland, is frequently overcrowded and many such individuals, including unaccompanied or separated children, pregnant women and persons with disabilities, are placed in police detention facilities for prolonged periods of time (arts. 9 and 10).

The State party should use alternatives to detaining asylum seekers and irregular migrants whenever possible. The State party should also guarantee that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate in the light of the specific circumstances, and subjected to periodic evaluation and judicial review, in accordance with the requirements of article 9 of the Covenant. The State party should strengthen its efforts to improve living conditions in the Metsälä detention centre.

(11) While the Committee appreciates the additional information provided by the State party, it remains concerned about the time frame within which a person arrested on a criminal charge is brought before a judge, which, according to the information provided by the State party, is not before the expiry of 96 hours. The Committee is also concerned at reports that suspects do not always benefit from legal assistance from the very outset of apprehension, particularly those who have committed "minor offences". The Committee regrets that the State party has not clarified the place of detention in respect of any subsequent continuation of detention (arts. 9 and 14).

The State party should provide the Committee with the required information and, in any event, ensure that persons arrested on criminal charges are brought before a judge within 48 hours of initial apprehension, and transferred from the police detention centre in the event of a continuation of detention. The State party should also ensure that all suspects are guaranteed the right to a lawyer from the moment of apprehension, irrespective of the nature of their alleged crime.

(12) While noting the State party's efforts to renovate police detention facilities and prisons, the Committee is concerned about reports that some prisons still lack appropriate sanitary equipment, including toilet facilities. The Committee is also concerned that overcrowding continues to exist in seven prisons (art. 10).

The State party should adopt effective measures against overcrowding in prisons and ensure that sanitary facilities are available in all prisons, in accordance with article 10 of the Covenant and the Standard Minimum Rules for the Treatment of Prisoners (1955).

(13) While taking into account the State party's practice of considering the best interests of the child in assessing the placement of juveniles in detention facilities, the Committee remains concerned that juveniles are not segregated from adult prisoners.

Notwithstanding the reservation to article 10, paragraphs 2 (b) and 3, of the Covenant, the State party should ensure, as a general rule, that juveniles are segregated from adult prisoners in detention and that they are duly protected from violence and sexual abuse.

(14) While welcoming the legislative changes allowing for applications for non-military service during mobilizations and serious disturbances, and the fact that total objectors can be exempted from unconditional imprisonment, the Committee reiterates its concerns that the length of non-military service is almost twice the duration of the period of service for the rank and file, and that the preferential treatment accorded to Jehovah's Witnesses has not been extended to other groups of conscientious objectors (art. 18).

The State party should fully acknowledge the right to conscientious objection and ensure that the length and nature of the alternatives to military service are not punitive in nature. The State party should also extend the preferential treatment accorded to Jehovah's Witnesses to other groups of conscientious objectors.

(15) The Committee is concerned at the accelerated asylum procedure established under the Aliens Act, which provides for an extremely short time frame for asylum applications to be thoroughly considered and for the applicant to properly prepare his or her case. The Committee is further concerned that appeals under the accelerated asylum procedure do not have automatic suspensive effect (art. 2 and 7).

The State party should ensure that all persons in need of protection receive appropriate and fair treatment in all asylum procedures and that appeals under the accelerated asylum procedure have a suspensive effect.

(16) While noting that the State party has committed to ratifying the International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and established a working group in August 2012 to strengthen the rights of the Sami to participate in decisions on the use of land and waters, the Committee remains concerned that the Sami people lack participation and decision-making powers over matters of fundamental importance to their culture and way of life, including rights to land and resources. The Committee also notes that there may be insufficient understanding or accommodation of the Sami lifestyle by public authorities and that there is a lack of legal clarity on the use of land in areas traditionally inhabited by the Sami people (arts. 1, 26 and 27).

The State party should advance the implementation of the rights of the Sami by strengthening the decision-making powers of Sami representative institutions, such as the Sami parliament. The State party should increase its efforts to revise its legislation to fully guarantee the 0rights of the Sami people in their traditional land, ensuring respect for the right of Sami communities to engage in free, prior and informed participation in policy and development processes that affect them. The State party should also take appropriate measures to facilitate, to the extent possible, education in their own language for all Sami children in the territory of the State party.

(17) While welcoming the efforts made by the State party to eliminate discrimination against the Roma, including the ongoing reform of the Finnish equality legislation, the Committee reiterates its concern that Roma still face de facto discrimination and social exclusion in housing, education and employment. The Committee is particularly concerned at continuing reports of the placement of Roma children in special needs classes (arts. 26 and 27).

The State party should take active measures, including improving legislation, to prevent discrimination against the Roma, in particular regarding their access to education, housing and employment, and allocate additional resources to put into effect all plans to do away with obstacles to the practical exercise by the Roma of the rights provided for under the Covenant. The State party should take immediate steps to eradicate the segregation of Roma children in its education system by ensuring that the placement of children in schools is carried out on an individual basis and is not influenced by the child's ethnic group.

(18) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the sixth periodic report, the written replies to the list of issues drawn up by the Committee and the present concluding observations in order to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party to broadly consult with civil society and non-governmental organizations when preparing its seventh periodic report.

(19) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations contained in paragraphs 10, 11 and 16 above.

(20) The Committee requests the State party, in its next periodic report, to be submitted by 26 July 2019, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

127. Ukraine

(1) The Committee considered the seventh periodic report submitted by Ukraine (CCPR/C/UKR/7) at its 2980th and 2981st meetings (CCPR/C/SR.2980 and CCPR/C/SR.2981), held on 8 and 9 July 2013. At its 3002nd meeting (CCPR/C/SR.3002), held on 23 July 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the seventh periodic report of Ukraine and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/UKR/Q7/Add.1) to the list of issues, which were supplemented by the oral

responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

(3) The Committee welcomes the ratification of, or accession to, the following international instruments:

(a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, on 19 September 2006;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 25 July 2007;

(c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 4 February 2010;

(d) The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, on 25 March 2013.

(4) The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption of the Law on Refugees and Persons in Need of Complementary or Temporary Protection in Ukraine, in July 2011;

(b) The adoption of the Law on Combating Trafficking in Human Beings, in October 2011, and of the State Targeted Social Programme on Combating Trafficking in Human Beings for the period up to 2015, in March 2012;

(c) The adoption of the new Code of Criminal Procedure on 13 April 2012, which provides, inter alia, for increased safeguards against arbitrary detention, torture and ill-treatment and unfair trial;

(d) The designation of the Parliamentary Commissioner for Human Rights as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture as of 4 November 2012, together with representatives of civil society ("Ombudsman+" model).

C. Principal subjects of concern and recommendations

(5) The Committee notes that the Covenant is an integral part of the domestic legal system and that its provisions may be directly invoked in court. It regrets, however, the very limited information on cases in which the provisions of the Covenant have been invoked or applied by the State party's courts of law (art. 2).

The State party should take measures to ensure that judges and law enforcement officers receive adequate training to enable them to apply and interpret domestic law in the light of the Covenant and disseminate knowledge of the provisions of the Covenant among lawyers and the general public to enable them to invoke its provisions before the courts. The State party should include in its next periodic report detailed examples of the application of the Covenant by domestic courts and access to remedies provided for in the legislation for individuals claiming a violation of the rights contained in the Covenant.

(6) The Committee is concerned at the State party's failure to fulfil its obligations under the First Optional Protocol and the Covenant by providing victims with effective remedies for violations of Covenant rights in compliance with Views adopted by the Committee. The Committee notes that legislative changes would appear to be required to ensure that all Views of the Committee, and not only those requesting the State party to review an

individual case in the framework of criminal proceedings, are fully implemented and victims provided with effective remedies (art. 2).

The State party should reconsider its position in relation to Views adopted by the Committee under the First Optional Protocol. It should take all necessary measures to establish mechanisms and appropriate procedures, including the possibility of reopening cases, reducing prison sentences and granting ex gratia compensation, to give full effect to the Committee's Views so as to guarantee an effective remedy when there has been a violation of the Covenant, in accordance with article 2, paragraph 3, of the Covenant.

(7) While welcoming the new mandates entrusted to the Parliamentary Commissioner for Human Rights, including the function of national preventive mechanism against torture as of 4 November 2012, and control over the observance of legislation on personal data protection as of 1 January 2014, the Committee is concerned that, if no adequate resources are allocated, the effective functioning of the institution may be affected (art. 2).

The State party should provide the Office of the Commissioner for Human Rights with additional financial and human resources commensurate with its expanded role, to ensure fulfilment of its current mandated activities and to enable it to carry out its new functions effectively. It should also establish regional offices of the Commissioner for Human Rights, as planned.

(8) The Committee welcomes the adoption of the Law on principles of preventing and combating discrimination as well as the proposed amendments relating inter alia to a reversed burden of proof in civil proceedings and recognition of sexual orientation as a protected ground in the Labour Code. Nonetheless, the Committee is concerned that sexual orientation and gender identity are not explicitly included in the non-exhaustive list of grounds of protection in the anti-discrimination law, and that the law provides for insufficient remedies (only compensation for material and moral damage) to victims of discrimination (arts. 2 and 26).

The State party should further improve its anti-discrimination legislation to ensure adequate protection against discrimination in line with the Covenant and other international human rights standards. The State party should explicitly list sexual orientation and gender identity among the prohibited grounds for discrimination and provide victims of discrimination with effective and appropriate remedies, taking due account of the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant. It should also ensure that those responsible for discrimination bear administrative, civil and criminal responsibility in appropriate cases.

(9) While noting the steps taken by the State party to promote gender equality, the Committee is concerned about the continued underrepresentation of women in decision-making positions in the public and political sphere, in particular in Parliament and Government (arts. 2, 3 and 26).

The State party should step up its efforts to achieve equitable representation of women in Parliament and at the highest levels of the Government within specific time frames, including through temporary special measures, to give effect to the provisions of the Covenant. It should adopt a State programme for equal rights and opportunities of women and men and other measures aimed at ensuring gender equality, and effectively implement them.

(10) The Committee is concerned at reports of discrimination, hate speech and acts of violence directed at lesbian, gay, bisexual and transgender (LGBT) persons and violation of their rights to freedom of expression and assembly. It is further concerned at reports that

according to Ministry of Health order No. 60 of 3 February 2011 "On the improvement of medical care to persons requiring a change (correction) of sex", transgender persons are required to undergo compulsory confinement in a psychiatric institution for a period up to 45 days and mandatory corrective surgery in the manner prescribed by the responsible Commission as a prerequisite for legal recognition of their gender. The Committee also expresses its concern at two draft laws "on propaganda of homosexuality" introduced in Parliament: (1) No. 1155 "On the prohibition of propaganda of homosexual relations aimed at children" and (2) No. 0945 on "Introduction of Changes to Certain Legislative Acts of Ukraine (regarding protection of children's rights in a safe information environment)" that, if adopted, would run counter to the State party's obligations under the Covenant (arts. 2, 6, 7, 9, 17, 19, 21 and 26).

While acknowledging the diversity of morality and cultures internationally, the Committee recalls that all States parties are always subject to the principles of universality of human rights and non-discrimination. The State party should therefore state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or hate speech, discrimination or violence against persons because of their sexual orientation or gender identity. The State party should provide effective protection to LGBT persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity. It should also take all necessary measures to guarantee the exercise in practice of the rights to freedom of expression and assembly of LGBT persons and defenders of their rights. The State party should also amend order No. 60 and other laws and regulations with a view to ensuring that: (1) the compulsory confinement of persons requiring a change (correction) of sex in a psychiatric institution for up to 45 days is replaced by a less invasive measure; (2) any medical treatment should be provided in the best interests of the individual with his/her consent, should be limited to those medical procedures that are strictly necessary, and should be adapted to his/her own wishes, specific medical needs and situation; (3) any abusive or disproportionate requirements for legal recognition of a gender reassignment are repealed. The Committee finally urges the State party not to permit the two draft bills "on propaganda of homosexuality" to become law.

(11) The Committee is concerned at reports of hate speech, threats and violence against members of ethnic groups, religious and national minorities, in particular Roma, Jehovah's Witnesses and Crimean Tatars, resulting in physical assaults, acts of vandalism and arson, most of which are committed by groups driven by extreme nationalist and racist ideology. It is also concerned that article 161 of the Criminal Code (inciting ethnic, racial or religious animosity and hatred), which requires proving deliberate action on the part of the perpetrator, is rarely used and that such crimes are usually prosecuted under hooliganism charges.

The State party should strengthen its efforts to combat hate speech and racist attacks, by, inter alia, instituting awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity. The State party should also step up its efforts to ensure that alleged hate crimes are thoroughly investigated, that perpetrators are prosecuted under article 161 of the Criminal Code and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated.

(12) While welcoming the steps taken by the State party to improve the situation of Roma, including the adoption of "the strategy on protection and integration of Roma minority into the Ukrainian society for the period up to 2020", the Committee remains concerned at the prevalence of discrimination, including the difficulties encountered in

access to personal documents, education, health care, housing and employment (arts. 2, 16 and 26).

The State party should increase its efforts to combat discrimination against Roma. It should create the necessary conditions for their social integration and equal access to social services, health care, employment, education and housing. The State party should remove any obstacles, including administrative, to ensure that all Roma are provided with personal documents, including birth certificates, which are necessary for them to have access to their basic rights. It should allocate sufficient resources for the effective implementation of the Strategy on protection and integration of Roma.

(13) The Committee is concerned at the very high rates of death in custody (CCPR/C/UKR/Q7/Add.1, para. 89), delayed investigation of such cases and lenient or suspended sentences imposed on those found responsible. The Committee also regrets the lack of information regarding the measures taken to address these problems (arts. 2 and 6).

The State party should take immediate and effective steps to ensure that cases of death in custody are promptly investigated by an independent and impartial body, that sentencing practices and disciplinary sanctions against those found responsible are not overly lenient, and that appropriate compensation is provided to families of victims.

(14) While welcoming the efforts made by the State party to combat and eliminate domestic violence, the Committee is nonetheless concerned about the persistence of this phenomenon (arts. 2, 3, 6 and 7).

The State party should strengthen its efforts to prevent and combat all forms of domestic violence, including by adopting a new law on prevention of domestic violence and ensuring its effective implementation. It should also facilitate complaints from victims, ensure that they are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate sanctions and that victims, including children, have access to effective remedies and means of protection, including an adequate number of shelters available in all parts of the country. The State party should also ensure that law enforcement authorities, as well as medical and social workers are provided with appropriate training to deal with cases of domestic violence, and awareness-raising efforts should be continued to widely sensitize members of the public.

(15) The Committee notes with concern the continued occurrence of torture and ill-treatment by law enforcement authorities, the limited number of convictions despite high numbers of complaints lodged, the absence of information on the sanctions imposed on perpetrators and the remedies provided to victims. It also remains concerned about the absence of a genuinely independent complaint mechanism to deal with cases of alleged torture or ill-treatment and the discretionary use of video recording during interrogations of criminal suspects (arts. 2, 7, 9 and 14).

The State party should reinforce its measures to eradicate torture and ill-treatment, ensure that such acts are promptly, thoroughly, and independently investigated, that perpetrators of acts of torture and ill-treatment are prosecuted in a manner commensurate with the gravity of their acts, and that victims are provided with effective remedies, including appropriate compensation. As a matter of priority, the State party should establish a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment. It should also amend its Criminal Procedure Code to provide for mandatory video recording of interrogations, and pursue its efforts towards equipping places of deprivation of liberty with video recording devices with a view to discouraging any use of torture or ill-treatment.

(16) While appreciating the State party's efforts in preventing and combating trafficking in persons, including the adoption of the State Targeted Social Programme on Combating Trafficking in Human Beings for the period up to 2015 and the establishment of additional centres of social and psychological assistance for victims, the Committee is concerned about the persistence of such practices in the State party. It also regrets the lack of information on the existence of any legal alternatives to removal of victims to countries where they may face hardship and retribution (art. 8).

The State party should continue its efforts to prevent and eradicate trafficking in persons, including by effectively implementing the existing relevant legal and policy frameworks and by cooperating with neighbouring countries. It should ensure that allegations of trafficking in persons are thoroughly investigated, that those responsible are brought to justice, and that victims receive adequate medical care, free social and legal assistance, and reparation, including rehabilitation. The State party should also ensure that legal alternatives are available to victims who may face hardship and retribution upon removal.

(17) The Committee notes the various steps taken by the State party to reform the judiciary, but it is concerned that judges still remain vulnerable to outside pressure due to insufficient measures to guarantee the security of their status. It is further concerned that the State party still does not fully ensure the independence of judges from the executive and legislative branches of government and that their status is not adequately secured by law. The Committee also expresses particular concern about allegations of politically motivated prosecutions of elected politicians, such as former Prime Minister Yulia Timoshenko, for excess of authority or official power pursuant to article 365 of the Criminal Code (art. 14).

The State party should ensure that judges are not subjected to any form of political influence in their decision-making and that the process of judicial administration is transparent. The State party should adopt a law providing for clear procedures and objective criteria for the promotion, suspension and dismissal of judges. It should ensure that prosecuting authorities are not involved in deciding on disciplinary actions against judges and that judicial disciplinary bodies are neither controlled by the executive branch nor affected by any political influence. The State party should ensure that prosecutions under article 365 of the Criminal Code fully comply with the requirements of the Covenant.

(18) The Committee expresses concern at reports of breaches of the non-refoulement principle in practice. It is also concerned at the large number of asylum applications rejected at the preliminary stage of consideration without a thorough personal interview with the applicants, the prolonged periods of administrative detention, the short five-day time limits for appeals against negative decisions and reported breaches of the suspensive effect of an appeal, as well as at reports of limited access to legal aid and interpreters (arts. 2, 7 and 13).

The State party should ensure that all persons applying for international protection are given access to a fair and full refugee determination procedure, are effectively protected against refoulement, and have access to counsel, legal aid and an interpreter. The State party should ensure that detention is only used as a last resort, and where necessary, for as short a period as possible, and provide alternatives to detention. It should also consider increasing the time span for filing appeals and ensure that rejected applicants are not deported immediately after the conclusion of the administrative proceedings before they can submit an appeal against a negative asylum decision.

(19) While taking note of the State party's plans towards an all-volunteer army as of 2017, the Committee notes that the provisions of the Law on Military Service which permit

conscription remain in force, as does the Law on Alternative (Non-Military) Service, and that according to the statistics provided by the State party several hundred young men have performed alternative service in recent years (CCPR/C/UKR/Q7/Add.1). The Committee therefore expresses its concern that no measures appear to have been taken to extend the right of conscientious objection against mandatory military service to persons who hold non-religious beliefs grounded in conscience, as well as beliefs grounded in all religions (art. 18).

The Committee reiterates its previous recommendation (CCPR/C/UKR/CO/6, para. 12) and stresses that alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and should be neither punitive nor discriminatory in nature or duration by comparison with military service.

(20) The Committee expresses concern at reports of threats, assaults, harassment and intimidation of journalists and human rights defenders in connection with their professional activities and the expression of critical views (arts. 2, 6, 7, 9 and 19).

The State party should ensure that journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Any restrictions on the exercise of freedom of expression should comply with the strict requirements of article 19, paragraph 3, of the Covenant. Furthermore, the State party should ensure that acts of aggression, threats and intimidation against journalists are investigated, prosecuted and punished and victims provided with appropriate remedies.

(21) The Committee is concerned at the lack of a domestic legal framework regulating peaceful events and at the application by domestic courts of outdated regulations which are not in line with international standards and severely restrict the right to freedom of assembly. It is also concerned at reports that the success rate of local authorities' applications in court for banning peaceful assemblies may be as high as 90 per cent. The Committee notes that a draft law on the procedure for organizing and holding peaceful events has been recently submitted to parliament (art. 21).

The State party should ensure that individuals fully enjoy their right to freedom of assembly. The State party should adopt a law regulating the freedom of assembly, imposing only restrictions that are in compliance with the strict requirements of article 21 of the Covenant.

(22) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the seventh periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also requests the State party, when preparing its eighth periodic report, to broadly consult with civil society and non-governmental organizations.

(23) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations in paragraphs 6, 10, 15 and 17 above.

(24) The Committee requests the State party, in its next periodic report, due to be submitted on 26 July 2018, to provide specific, up-to-date information on all its recommendations and on the Covenant as a whole.

128. Plurinational State of Bolivia

(1) The Human Rights Committee considered the third periodic report of the Plurinational State of Bolivia (CCPR/C/BOL/3) at its 3010th and 3011th meetings (CCPR/C/SR.3010 and 3011), held on 14 and 16 October 2013. At its 3030th meeting (CCPR/C/SR.3030), held on 29 October 2013, the Committee adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the third periodic report of the Plurinational State of Bolivia and the information it contains. It appreciates the constructive dialogue held with the high-level delegation of the State party on the measures adopted during the reporting period to implement the provisions of the Covenant. The Committee wishes to thank the State party for its written replies (CCPR/C/BOL/Q/3/Add.1) to the list of issues (CCPR/C/BOL/Q/3), which were supplemented by the delegation's oral responses and additional information provided in writing.

B. Positive aspects

(3) The Committee welcomes the following legislative and other measures adopted by the State party:

(a) A broad legislative framework for the protection of human rights, including Comprehensive Act No. 348 of 27 February 2013, which guarantees women a life free from violence;

(b) Anti-discrimination measures, together with the establishment of the National Committee against Racism and All Forms of Discrimination in 2011 and the creation of departmental committees in Chuquisaca and Tarija;

(c) The Plurinational Constitutional Court decision of 2012 in which the Court ruled that the prohibition of expressions of disrespect was unconstitutional.

(4) The Committee welcomes the State party's ratification of or accession to the following international human rights instruments:

(a) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (12 July 2013);

(b) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (23 May 2006);

(c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (27 September 2000);

(d) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (16 October 2000);

(e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (3 June 2003);

(f) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (22 December 2004);

(g) The International Convention for the Protection of All Persons from Enforced Disappearance (17 December 2008);

(h) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (16 November 2009); and

(i) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

C. Principal subjects of concern and recommendations

(5) The Committee takes note of the information provided by the State party confirming that the provisions of the International Covenant on Civil and Political Rights may be invoked in the domestic courts and are directly applicable, as indicated in the State party's additional replies. The Committee is nevertheless concerned at the absence of any specific procedure for implementing the Committee's Views under the Optional Protocol (art. 2).

The State party should ensure that the national legal order is fully compliant with its obligations under the Covenant. To that end, the State should ensure that officials responsible for the administration of justice and the general public are aware of the Covenant rights and the fact that they are directly applicable under national law. The State party should also establish a mechanism for the implementation of the Committee's Views.

(6) The Committee takes note of the new provisions governing states of emergency in the Constitution. The Committee is nevertheless concerned that, notwithstanding its previous concluding observations (CCPR/C/79/Add.74, para. 14), there is no law that clearly prohibits derogation from the rights set forth in article 4, paragraph 2, of the Covenant during a state of emergency (art. 4).

The Committee recalls its general comment No. 29 (2001) on derogations during a state of emergency and urges the State party to prepare legislation containing provisions on states of emergency which clearly stipulate that no derogation from the rights protected under article 4, paragraph 2, of the Covenant is permitted under any circumstances.

(7) Although the Committee applauds the legislative and regulatory framework adopted to eliminate all forms of discrimination, it is concerned by the inadequacy of the mechanisms and resources for its implementation and by the lack of information on the progress of criminal or administrative proceedings involving discrimination cases. The Committee is also disturbed about the persistence of impunity for acts of violence and discrimination on grounds of sexual orientation or gender identity (arts. 2 and 26).

The State party should ensure that its public policies are such as to ensure that sufficient resources and mechanisms are in place for the implementation of its legislative framework to combat discrimination at all levels of the State. It should also conduct extensive campaigns to educate and sensitize the general public and to provide training for members of the public sector that will promote tolerance and respect for diversity. The State party should state publicly that it will not tolerate social stigmatization, discrimination or violence of any kind based on a person's sexual orientation or gender identity. The State party should also ensure that all acts of violence motivated by the victim's sexual orientation or gender identity are investigated and that the perpetrators are brought to justice and punished. It should also take appropriate steps to ensure that acts of discrimination are investigated and that victims obtain reparation.

(8) The Committee welcomes the gradually increasing involvement of women in political life. It nevertheless repeats its previous recommendation (CCPR/C/79/Add.74, para. 21) and notes with concern that the majority of women in political posts are alternates and that indigenous women continue to face obstacles in obtaining decision-making positions. The Committee also notes with particular concern the murder of two female town councillors in 2012 (arts. 2, 3, 25 and 26).

The State party should step up its efforts to eliminate gender stereotypes and conduct awareness-raising campaigns to that end. It should also adopt any temporary special measures necessary to continue to increase women's — and particularly indigenous women's — participation in public life at all levels of the State and their representation in decision-making positions in the private sector. The Committee encourages the State party to take practical steps on an urgent basis to issue implementing regulations for the new Act on Political Harassment and Violence against Women so as to ensure that the perpetrators of political harassment and murders of women are investigated, tried and punished in an appropriate manner and that victims are properly protected.

(9) The Committee wishes to express its concern about the fact that prior court authorization is needed in order for therapeutic abortions and abortions following rape, statutory rape or incest not to be punishable offences. It is also concerned by reports according to which only six legal abortions have been authorized by the courts in the State party. The Committee is concerned by reports which indicate that a large percentage of maternal deaths are due to unsafe abortions and that an alarming number of criminal investigations of women suspected of having had illegal abortions are being conducted. The Committee also finds the high rate of teen pregnancies to be regrettable (arts. 2, 3, 6 and 26).

The Committee recommends that the State party:

(a) Lift the requirement for prior court authorization for therapeutic abortions and abortions following rape, statutory rape or incest in order to effectively guarantee access to legal, safe abortions;

(b) Refrain from prosecuting women who have had an illegal abortion because of the difficulties involved in obtaining the required prior court authorization; and

(c) Ensure the effective implementation of current national health plans and programmes for educating people and raising their awareness about the importance of using contraceptives and about their sexual and reproductive health rights and ensure their implementation at the formal (schools and universities) and informal (mass media) levels.

(10) Although the Committee welcomes the measures taken to eliminate violence against women, it takes note of reports that the regulatory framework has not yet been equipped with the necessary resources for the implementation of those measures. The Committee regrets that the number of shelters is so limited (arts. 3 and 7).

The State party should step up its efforts to prevent and eliminate all forms of gender-based violence by ensuring the effective application of the legislative framework at all levels of the State and providing the necessary resources for that purpose. The State party should investigate acts of violence against women promptly and effectively, prosecute the perpetrators of such acts and punish them appropriately. The State party should also expedite the updating of the National Information System on Domestic Violence so as to make it possible to adopt suitable measures in that regard. In addition, the State party should ensure that victims are able to avail themselves of their right to redress, which includes fair and adequate compensation, and their right to protection by, inter alia, increasing the number of shelters, particularly at the municipal level.

(11) The Committee is concerned by the large number of mob attacks that have occurred and by reports that criminal proceedings are rarely brought against those who may be responsible (arts. 6 and 7).

The State party should, as a matter of urgency, take steps to ensure that all mob attacks are investigated without delay, the perpetrators are duly tried and punished, and the victims receive appropriate reparation. The State party should also strengthen the role of the police and the Public Prosecution Service in preventing and prosecuting these offences and should intensify its prevention and awareness-raising campaigns in schools, the media and elsewhere.

(12) The Committee repeats its previous concluding observations (CCPR/C/79/Add.74, paras. 26 and 28) and expresses its concern about the fact that there have been so few trials and convictions for human rights violations committed under the de facto regimes of 1964–1982. The Committee is also concerned by the fact that 70 per cent of all reparations claims have been dismissed and that the burden of proof borne by victims may have been excessive. The Committee also regrets that only 20 per cent of the amount of compensation that has been awarded has been settled to date and that the only form of redress that has been granted has been financial in nature (arts. 2, 6 and 7).

The State party should:

(a) Actively investigate human rights violations committed during the period in question so as to identify those responsible, prosecute them and punish them accordingly;

(b) Ensure that the Armed Forces cooperate fully in the investigations and promptly hand over all the information at their disposal;

(c) Revise the standards of proof in relation to acts for which reparation is sought so that the burden of proof borne by victims is not an insurmountable obstacle; establish a mechanism for appeal and review of applications; and make available the resources needed to ensure that victims will receive the full amount of compensation awarded to them;

(d) Guarantee the effective enjoyment of the right to full redress, including psychosocial care and counselling and the honouring of historical memory, as established in Act No. 2640. Particular attention should be paid to gender considerations and victims in vulnerable situations.

(13) The Committee is concerned that the rules of military criminal law have still not been adjusted to reflect the Plurinational Constitutional Court ruling which excludes human rights violations from the jurisdiction of military courts and that the definition of the offence of torture is not in line with international standards. The Committee also notes that there have been ongoing delays in the prosecution of cases involving torture and ill-treatment and that no national prevention mechanism has yet been established (arts. 2, 6 and 7).

The State party should amend the current rules of military criminal law to exclude human rights violations from military jurisdiction. It should also amend the Criminal Code to include a definition of torture that is fully in line with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with article 7 of the Covenant. The State party should ensure that all alleged acts of torture or ill-treatment are promptly investigated, that the perpetrators are prosecuted and punished in a manner that is commensurate with the seriousness of the offence and that the victims obtain appropriate redress and protection. The State party should expedite its adoption of the measures required to establish a national mechanism for the prevention of torture and ensure that that body is provided with sufficient resources to enable it to operate efficiently.

(14) The Committee is concerned that the proceedings relating to the incidents of racial violence that occurred during the massacre of El Porvenir, Pando, and in Sucre in 2008 have still not advanced through the courts (arts. 2, 6, 7 and 14).

The State party should speed up the proceedings relating to the incidents of racial violence that occurred in Pando and in Sucre in 2008 in order to put an end to the prevailing situation of impunity. The State party should also award full redress to all the victims, including appropriate medical and psychosocial treatment for the injury suffered.

(15) The Committee repeats its previous recommendation (CCPR/C/79/Add.74, para. 24) and takes note with concern of reports of excessive use of force by law enforcement officers during demonstrations, as occurred in Chaparina during the Seventh Indigenous March in 2011 and in Mallku Khota in 2012 (arts. 6, 7 and 9).

The State party should continue taking steps to prevent and put a stop to the excessive use of force by law enforcement officers, strengthen the human rights training that it provides and hold regular human rights courses, and ensure that officers comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The State party should also ensure that all complaints of excessive use of force are investigated promptly, effectively and impartially and that those responsible are brought to justice.

(16) The Committee is concerned by the fact that there is no explicit prohibition of corporal punishment as a disciplinary measure in the home or in institutional settings. The Committee is also concerned that corporal punishment continues to be used as a punishment in the community-based justice system (arts. 7, 24 and 27).

The State party should take steps to put an end to corporal punishment in all domains. It should also encourage non-violent forms of discipline as alternatives to corporal punishment and conduct public information campaigns in the native indigenous campesino and other jurisdictions in order to raise awareness among the general public of the prohibition and harmful effects of corporal punishment.

(17) While recognizing the State party's efforts to combat human trafficking, the Committee is concerned by reports that trials for this crime are rare. The Committee is also concerned that the protocols on prevention, protection and rehabilitation of victims have not yet been implemented (arts. 7 and 8).

The State party should ensure the effective application of the legal and regulatory framework that is in place at all levels of government to combat trafficking and smuggling of persons, provide the necessary resources for this purpose and compile disaggregated data on the scale of the problem. The State should also ensure that reports of these practices are investigated, that those responsible are brought to justice and sentenced to appropriate penalties and that victims receive protection in comprehensive treatment centres, free legal advice and redress, including rehabilitation. The State should run prevention and sensitization campaigns to make the general public aware of the negative effects of trafficking and smuggling of persons.

(18) While recognizing the State party's efforts to combat the practice of bonded and captive labour among the Guaraní people, the Committee is disturbed by reports which indicate that some 600 Guaraní families are still living as captives (arts. 8 and 27).

The State party should redouble its efforts to prevent the use of bonded labour and punish the persons responsible for that practice by developing a sustainable State policy, in consultation with those subjected to bonded labour, that will extend the transitional interministerial plan and improve the Guaraní people's living conditions.

The State party should establish effective oversight mechanisms to ensure that employers observe the relevant legislative and regulatory provisions, that violations of those provisions are investigated and the offenders punished, and that victims have access to justice.

(19) The Committee is concerned by the fact that more than 80 per cent of the prison population has not been brought to trial. The Committee is also concerned at the fact that the criteria used for ordering alternatives to custodial measures do not take account of the itinerant nature of some members of the population, which makes the use of pretrial detention more likely. The Committee notes that, as a result, the State party has adopted amnesty decrees under which it may pardon detainees who have not been tried. The Committee also finds it regrettable that access to free legal counsel for persons in detention is limited (arts. 9 and 14).

The State party should take concrete action to review its regulations on pretrial detention and to expedite the application of alternatives to that form of detention. These alternative measures should be based on criteria that take account of the itinerant nature of some members of the population and thus remove the obstacles to the effective use of such alternatives. The State party should also step up training for officials responsible for the administration of justice in order to ensure that pretrial detention is not the norm and that its duration is strictly limited, in accordance with article 9, paragraph 3, of the Covenant. The State party should also guarantee that anyone who is detained has effective access to a lawyer.

(20) The Committee is concerned by reports of prison overcrowding in excess of 230 per cent of capacity. It is also concerned by the use of systems of inmate self-government in prisons in cases where those systems make it impossible for the prison authorities to effectively control inter-prisoner violence. The Committee is also concerned about the large number of children now living in prison with their families (arts. 10 and 24).

The State party should take urgent steps to do away with overcrowding in prisons through the use of alternative forms of punishment such as electronic tagging, conditional release and community service. The State party should improve prison conditions and ensure that those awaiting trial are held separately from convicted prisoners, in accordance with the Covenant. The State party should also maintain effective control of all prison facilities and should investigate any incidents of violence or extortion among prisoners, prosecute those responsible and impose appropriate penalties upon them. The State party should also ensure that minors live with their father or mother in prison only when this is in the best interests of those children and that effective alternative forms of guardianship are available when that is not the case.

(21) The Committee is concerned that there is no alternative civilian service that permits conscientious objectors to exercise their rights in accordance with the provisions of the Covenant (art. 18).

The State party should promulgate legal provisions that recognize the right to conscientious objection to military service and establish an alternative to military service that is accessible to all conscientious objectors and is not punitive or discriminatory in terms of its nature, cost or duration.

(22) The Committee repeats its previous concluding observations (CCPR/C/79/Add.74, para. 19) and takes note with concern of the continuing reports of widespread political interference and corruption in the judicial system. The Committee is also concerned that the criteria used for the appointment of judges effectively exclude lawyers who have defended anyone convicted of offences against national unity. The Committee is also concerned at the long delays in the administration of justice, the poor geographical coverage of the judicial system and the limited number of public defenders. It is also concerned at the lack

of information on mechanisms for ensuring the compatibility of the native indigenous campesino justice system with the Covenant (art. 14).

The State party should redouble its efforts to provide legal and practical guarantees of judicial independence and pursue its efforts to establish, as a matter of urgency, a system of judicial appointments and judicial service based on objective, transparent criteria that do not conflict with the right to a defence, together with an independent disciplinary regime for the judiciary and the Public Prosecution Service. It should also step up its efforts to combat corruption, particularly in the police force and among officials responsible for the administration of justice, by undertaking prompt, thorough, independent and impartial investigations into all cases of corruption and imposing not only disciplinary sanctions but also criminal penalties on the persons found to be responsible. The State party should also develop, as a matter of priority, a national policy for reducing the backlog of court cases, increasing the number of courts and appointing more judges and public defenders, in particular in rural areas. The Committee urges the State party to set up the necessary mechanisms to ensure that the native indigenous campesino justice system is at all times compliant with due process and other guarantees established in the Covenant.

(23) While recognizing the State party's efforts to combat child labour, the Committee is concerned at the persistence of this problem and at the lack of information on measures to combat the sexual exploitation of children (arts. 8 and 24).

The State party should redouble its efforts to ensure the effective application of the legal and regulatory framework for the elimination of child labour and child sexual exploitation and should ensure that violations of the relevant legislation are effectively investigated and those responsible are tried and punished. The State party should also adopt sustainable strategies for providing support to families at risk of becoming victims of such practices and reinforce its awareness-raising campaigns.

(24) The Committee is concerned by reports of verbal and physical violence against journalists and the increasing number of criminal proceedings being brought against them. The Committee is also concerned about Act No. 351 of 2013 and its implementing regulations (Supreme Decree No. 1597), under which the legal status of NGOs can be revoked for non-compliance with sectoral policies or involvement in activities other than those referred to in their statutes (arts. 7, 19 and 22).

Recalling its general comment No. 34 (2011) on freedoms of opinion and expression, the Committee recommends that the State party ensure that any restriction imposed on the freedom of the press should be in accordance with article 19, paragraph 3, of the Covenant. The Committee also recommends that reports of attacks on journalists should be effectively investigated and those responsible should be tried and punished. The State party should also amend its legislation on the legal status of NGOs in such a way as to eliminate the requirements that place excessive restrictions on their ability to operate freely, independently and effectively.

(25) The Committee welcomes the preliminary framework bill on consultation mentioned in the State party's replies, but is concerned by information to the effect that, where extractive projects are concerned, the preliminary bill as yet provides only for consultation with the peoples affected, but not their free, prior and informed consent. The Committee is also concerned at reports of tensions in the Isiboro Securé National Park and Indigenous Territory caused by a road-building project that does not have the support of all the communities concerned (art. 27).

The State party should ensure that the preliminary framework bill on consultation complies with the principles set forth in article 27 of the Covenant and provides guarantees that indigenous communities' free, prior and informed consent will be

sought when decisions are to be taken concerning projects that have a bearing on their rights and that, in particular, all the indigenous communities concerned will take part in the consultation process and that their views will be duly taken into account. The State party should also ensure that indigenous communities' free, prior and informed consent is obtained through representative institutions before any measures are adopted that would substantially jeopardize or interfere with culturally significant economic activities of those communities.

(26) The State party should widely disseminate the Covenant, the Optional Protocol to the Covenant, the text of its third periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee and the present concluding observations so as to raise awareness among the judicial, legislative and administrative authorities, civil society and NGOs operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into all the official languages of the State party. The Committee requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and NGOs.

(27) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, within a year's time the State party should provide it with information on its implementation of the recommendations set forth by the Committee in paragraphs 12, 13 and 14 above.

(28) The Committee requests the State party to provide specific, up-to-date information on all its recommendations and on the Covenant as a whole in its next periodic report, which will be due on 1 November 2018.

129. Mauritania

(1) The Human Rights Committee considered the initial report of Mauritania (CCPR/C/MRT/1) at its 3018th and 3019th meetings (CCPR/C/SR.3018 and 3019) on 21 and 22 October 2013. At its 3031st meeting (CCPR/C/SR.3031), held on 30 October 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the initial report of Mauritania and the information presented therein but regrets that it was submitted with a significant delay. It appreciates the opportunity to establish a dialogue with the high-level delegation of the State party on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/MRT/Q/1/Add.1) to the list of issues (CCPR/C/MRT/Q/1), which were supplemented by the oral responses provided by the delegation.

B. Positive aspects

(3) The Committee welcomes the ratification by the State party of the main international human rights instruments, including:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 22 January 2007;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 23 April 2007;

(c) The Convention on the Rights of Persons with Disabilities, on 3 April 2012;

(d) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 3 April 2012;

(e) The International Convention for the Protection of All Persons from Enforced Disappearance, on 3 October 2012;

(f) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 3 October 2012.

(4) The Committee notes with satisfaction the State party's efforts to revise its legislation and, in particular, its adoption of:

(a) Ordinance No. 2005-015 of 5 December 2005 on the judicial protection of children;

(b) Ordinance No. 2007/036 of 17 April 2007 setting out the Code of Criminal Procedure;

(c) Act No. 2007-048 of 3 September 2007 classifying slavery as a criminal offence and providing for the suppression of slavery-like practices;

(d) The 2006 and 2012 revisions of the Constitution;

(e) Act No. 2010-021 of 10 February 2010 on combating the smuggling of migrants.

C. Principal subjects of concern and recommendations

(5) The Committee notes with concern that the Covenant has been neither invoked nor applied by the national courts, and that no Acts ratifying the human rights treaties and conventions or the instruments themselves have been published in the Official Gazette (art. 2).

The State party should systematically publish in the Official Gazette the Acts ratifying the human rights treaties and conventions, as well as the texts of these instruments, including the Covenant. It should also raise the awareness of judges, lawyers and prosecutors of the Covenant, to ensure that its provisions are taken into account by the national courts.

(6) The Committee notes the concerns that the reference in the preamble to the State party's Constitution to Islam as the only source of law could lead to legislative provisions that prevent the full enjoyment of some rights provided for in the Covenant. The Committee notes with concern that the State party has entered a reservation to article 18, although the Covenant provides that there may be no derogation from that article to article 23, paragraph 4, of the Covenant and regrets the State party's position that it will maintain them (arts. 2, 18 and 23).

The State party should ensure that the reference to Islam does not prevent the full application of the Covenant in its legal order and does not serve to justify the State party not implementing its obligations under the Covenant. The Committee therefore encourages the State party to consider withdrawing its reservations to article 18 and article 23, paragraph 4, of the Covenant.

(7) The Committee regrets that the State party denies the existence of racial discrimination on its territory. It is also concerned by the absence of any definition or criminalization of racial discrimination in its legislation and regrets that the State party has not provided data on the extent of the phenomenon, the groups most affected and the measures taken to combat it. It notes with concern that racial discrimination based on ethnicity prevents the enjoyment of human rights by certain ethnic groups, including access for Haratine women to public affairs. The Committee is concerned that the State party has still not adopted the draft national plan of action against racial discrimination, xenophobia and related intolerance (arts. 2, 26 and 27).

The State party should adopt a definition of, and prohibit, racial discrimination in its legislation in conformity with the Covenant. It should also combat discrimination based on ethnic origin in all areas and expedite the drafting, approval and adoption of the draft national plan of action against racial discrimination, xenophobia and related intolerance, and both implement and publicize it.

(8) The Committee notes with concern that homosexuality is considered to be a crime and is punishable by the death penalty, in violation of the provisions of the Covenant (arts. 2, 6, 17 and 26).

The Committee respects the cultural diversity and moral principles of all countries, but recalls that these always remain subordinate to the principles of the universality of human rights and non-discrimination (general comment No. 34 (2011) on freedom of opinion and freedom of expression, paragraph 32). Consequently, the State party should decriminalize homosexuality and take the necessary measures to protect the freedom and privacy of the person.

(9) The Committee notes with concern the inequality that exists between men and women in certain areas of public affairs, including in the judiciary, the diplomatic service and senior positions in public administration. The Committee is concerned by the continued discrimination against women compared to men in respect of the transmission of nationality (Act No. 1961-112, as amended, setting out the Mauritanian Nationality Code, article 16); the discrimination against women in the 2001 Personal Status Code (arts. 9–13), which places unmarried women under guardianship; and discrimination in respect of inheritance rights and the rights of spouses during marriage and at the dissolution of marriage (arts. 2, 3, 23 and 26).

The State party should continue its efforts to improve the level of representation of women in political and public affairs and continue campaigns to raise women's awareness and inform them of their rights. The State party should review its Nationality Code to allow Mauritanian women to transmit their nationality on an equal footing with men and the 2001 Personal Status Code to remove the provisions that discriminate against women.

(10) The Committee notes with concern that domestic violence, particularly violence against women, including rape, persists in the State party. The Committee is also concerned that such violence is not always prosecuted and punished, and that, furthermore, for rape to be punished, the victim must produce a witness in court. The Committee is also concerned by the stigmatization of women victims of rape and the fact that they may themselves risk criminal prosecution. Lastly, the Committee is concerned by the lack of information on the impact of protection measures taken by the State party, the inadequacy of shelters for women victims of violence, and the lack of information on campaigns to combat violence against women (arts. 3, 7 and 23).

The State party should ensure that women victims of violence, including rape, are able to bring charges easily and, to this end, should review the requirement that a witness must be produced when a charge of rape is brought. It should also strengthen the protective measures for victims and refrain from criminal prosecution. Finally, the State party should strengthen its awareness campaigns, particularly in the framework of the national plan of action to combat violence against women and girls, and train officers to enforce the law on violence against women. The State party should include in its next report to the Committee the results of the survey conducted by the National Statistics Office on all forms of violence against women and girls and provide statistical data on the investigations into, prosecutions and convictions of, and penalties imposed on the perpetrators of violence against women.

(11) The Committee takes note of the information provided by the State party on the measures taken to combat female genital mutilation. It remains nevertheless concerned by the persistence of the practice in the State party. The Committee regrets the lack of information and statistical data concerning penalties imposed on perpetrators of female genital mutilation, and the absence of a specific law on the issue (arts. 3, 7 and 24).

The State party should ensure the effective implementation of article 12 of the ordinance on the judicial protection of children and adopt the bill specifically criminalizing female genital mutilation. The State party should also step up and continue its campaigns and other measures to raise awareness of and combat female genital mutilation among the population, including in rural areas.

(12) The Committee notes with appreciation that the State party has been observing a moratorium on the use of the death penalty since 2007. The Committee nevertheless remains concerned that the death penalty is still provided for in the Criminal Code and is applied by the domestic courts, including in the case of crimes committed by minors. The Committee is, in addition, concerned by the fact that the death penalty is not restricted to the most serious crimes and is imposed in contravention of the provisions of article 6 of the Covenant and by allegations that the death penalty has been imposed following convictions based on confessions obtained under torture or as a result of trials that did not respect all the guarantees provided for in article 14 of the Covenant (arts. 6 and 14).

The State party should consider abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The State party should ensure that the death penalty is not, under any circumstances, imposed in violation of the guarantees provided for in article 6 of the Covenant.

(13) The Committee is concerned by reports of killings of individuals following repression by the security forces during various demonstrations in the country, particularly in Magahama on 27 September 2011 and during the strike by employees of the *Mines de cuivre de Mauritanie* in July 2012. The Committee is also concerned by the lack of any specific detailed information on investigations carried out into these cases (art. 6).

The State party should carry out systematic and thorough investigations into these cases, prosecute the alleged perpetrators and, if they are found guilty, sentence them to penalties in proportion to the seriousness of the acts, and grant appropriate compensation to the victims and their families. It should develop and strengthen the human rights education programmes for members of the security forces, particularly in respect of the provisions of the Covenant. The State party should, in its next report, inform the Committee of the outcome of the investigation by the Kadei Public Prosecutor's Office into the death of the young man Lamine Manghane.

(14) The Committee notes with concern that neither the Constitution (art. 13), the Criminal Code, nor the Code of Criminal Procedure (art. 58) gives a definition of torture or classifies it as a specific crime, which leads to inadequate repression of the crime of torture. The Committee is also concerned by allegations of the systematic practice of torture and ill-treatment or excessive use of force by members of the police or the security forces during demonstrations, arrests and interrogations, including of terrorism suspects and migrants, in places of detention, in particular in Dar Naim. The Committee is also concerned that no specific independent authority has been set up to examine complaints made against the police and security forces (arts. 7 and 10).

The State party should adopt a definition of and clearly criminalize torture in the Criminal Code, in conformity with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the relevant international standards. It should also ensure that any investigation into acts of

torture, ill-treatment or excessive use of force attributed to members of the police or security forces should be conducted by an independent authority. The State party should furthermore ensure that members of the law enforcement agencies are trained to prevent torture and ill-treatment, and to investigate such offences, by making sure that the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is included in all training programmes for them. It should also ensure that allegations of torture and ill-treatment are the subject of thorough and impartial investigations, that the alleged perpetrators are brought to justice and, if found guilty, are sentenced to penalties commensurate with the seriousness of their acts, and that the victims receive adequate compensation. The State party should guarantee regular access to all places of deprivation of liberty and, following its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, put in place a national preventive mechanism.

(15) While noting the explanations provided by the State party, the Committee remains concerned by allegations that torture is used to extract confessions that are then accepted by the courts to establish the guilt of the prisoner (arts. 7 and 14).

The State party should ensure that confessions obtained under duress are not used or accepted by the courts as evidence of the guilt of suspects. To that end, the State party should ensure the effective application of its Code of Criminal Procedure which provides that "any confession obtained under torture, violence or duress is inadmissible".

(16) While noting the adoption by the State party of Ordinance No. 2005-015 on 5 December 2005 on the judicial protection of children, the Committee is concerned that the corporal punishment of children persists in the State party and is not prohibited by law (arts. 7 and 24).

The State party should take specific measures to end the practice of corporal punishment in all circumstances. It should encourage the use of non-violent disciplinary measures to replace corporal punishment and conduct information campaigns to raise public awareness of the harmful consequences of this type of violence.

(17) The Committee is concerned that, despite many legislative initiatives, starting with the formal abolition of slavery as late as 1981, and other provisions adopted in 2012 on this matter, the practice of slavery persists in the State party. The Committee therefore regrets the absence of specific and detailed statistical data on the practice of slavery, as well as on investigations, prosecutions, convictions and penalties, and the rehabilitation of the victims. The Committee is also concerned that, in practice, victims of slavery are not provided with effective remedies against those responsible for slavery-like practices (art. 8).

The State party should ensure the effective implementation of its legislation criminalizing slavery and guarantee effective remedies for victims of slavery who have lodged complaints. The State party should also conduct investigations, effectively prosecute and sentence those responsible and provide compensation for, and rehabilitate the victims. Finally, the State party should expedite the hearing of pending cases; adopt and implement, as Government policy, the road map developed in collaboration with the Office of the United Nations High Commissioner for Human Rights on the recommendations of the Special Rapporteur on contemporary forms of slavery, including their causes and their consequences; and raise the awareness of all law enforcement officers and the general population, including in rural areas.

(18) The Committee is concerned that not all of the fundamental legal safeguards in article 9 of the Covenant are provided for by the Code of Criminal Procedure for persons

deprived of their liberty, and those that are included in the Code are not respected. It is also concerned that the provisions on police custody contained in articles 57 to 60 of the Code of Criminal Procedure, for both common law and terrorist offences, are not fully consistent with the provisions of the Covenant. The Committee is furthermore concerned that article 3 of Act No. 2010-0435 of 21 July 2010 on combating terrorism defines terrorism in broad and vague terms (art. 9).

The State party should bring the duration of police custody, including for terrorist offences, into line with the provisions of the Covenant. The State party should also revise its criminal legislation to guarantee, both de jure and de facto, the fundamental legal safeguards for persons deprived of their liberty, including:

(a) The right to be informed of the reasons for their arrest;

(b) Access to a lawyer or independent legal counsel or to legal aid;

(c) Access to a doctor and the possibility of informing a family member of the detention;

(d) The right to be brought before a judge without delay and to have the legality of their detention examined by a court.

(19) While noting the efforts made by the State party, the Committee remains concerned by the inadequate conditions of detention in prisons in the State party, particularly the prison in Dar Naim. The Committee is particularly concerned by the overcrowding in some prisons (art. 10).

The State party should implement measures to improve the conditions of detention in its prisons and to reduce prison overcrowding.

(20) The Committee is concerned by reports of the lack of independence of the judiciary and interference by the executive authorities such as to prevent any guarantee of an independent tribunal and to prejudice the proper administration of justice. The Committee is also concerned that legal aid is not always provided for most defendants and procedural rights are not always respected (art. 14).

The State party should guarantee the independence of the judicial system and the transparency of its procedures, while providing it with the resources it needs to function. It should also include human rights education in the training of judges, magistrates and lawyers. Lastly, the State party should make available the necessary means to ensure, both in law and in practice, that defendants are guaranteed all the rights provided for in article 14 of the Covenant.

(21) While noting that Islam is the State religion in Mauritania, the Committee is concerned that exercise of the freedom of conscience and religion is not formally guaranteed for Muslim Mauritanians, for whom a change of religion is classified as apostasy and is punishable by the death penalty (arts. 2, 6 and 18).

The State party should remove the crime of apostasy from its legislation and authorize Mauritanians to fully enjoy their freedom of religion, including by changing religion.

(22) The Committee notes with concern that, during rallies and demonstrations in the State party, human rights defenders and the demonstrators are threatened, intimidated and harassed by members of the security forces or the police. The Committee is also concerned by the obstacles that exist to the creation and registration of some NGOs or associations (arts. 19, 21 and 22).

The State party should adopt a new Act governing the exercise of the freedom of association that complies with international standards and provides the necessary protection for human rights defenders. The State party should, furthermore, take

specific measures to ensure the protection of members of NGOs against any retaliation and the protection of peaceful demonstrations organized on its territory; in the case of violations, it should conduct investigations with a view to the prosecution of those responsible.

(23) While noting that the Personal Status Code establishes the age of marriage at 18 years, the Committee notes with concern the persistence of early marriage (arts. 3, 23 and 24).

The State party should ensure the strict application of its legislation banning early marriages. It should carry out campaigns to publicize the legislation and inform girls, their parents and community leaders of the harmful effects of early marriage.

(24) The Committee regrets that the State party has not yet adopted the Asylum Act. It is also concerned by the restrictions imposed on the freedom of movement of refugees and asylum seekers who, since the revision of the Civil Status Act of 2011, no longer enjoy refugee status. The Committee is further concerned that urban refugees and asylum seekers continue to encounter legal obstacles to the registration of their children born in Mauritania because of the provisions of the Personal Status Code. Lastly, the Committee is concerned that not all the repatriated Mauritanian refugees have obtained identity and citizenship documents yet; this is likely to create obstacles to their enjoyment of some rights and to promote the risk of statelessness. In addition, the Committee is concerned that other Mauritanian refugees who are in Mali as a result of the events of 1989–1990 do not always have identity documents (arts. 12 and 24).

The State party should speed up the adoption of the asylum bill in order to facilitate asylum application procedures. It should also consider the situation of former refugees and asylum seekers with a view to providing them with identity documents, where appropriate, and allowing them to move about more easily. The State party should remove the legal obstacles to the registration of births of children of refugees and asylum seekers born in Mauritania. Finally, it should make it easier for refugees repatriated under the tripartite agreement between the State party, Senegal and the Office of the United Nations High Commissioner for Refugees to obtain identity documents, and consider signing a similar agreement to cover Mauritanian refugees in Mali following the events of 1989–1990. It should consider establishing a mechanism to address the humanitarian consequences of those events.

(25) The State party should widely disseminate the Covenant, its initial report, the written replies to the list of issues prepared by the Committee and the present concluding observations, in its official language, to the judicial, legislative and administrative authorities, civil society and NGOs in the country, and to the public at large. The Committee also requests the State party, when preparing its next periodic report, to broadly consult with civil society and NGOs.

(26) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 5, 14, 17 and 19 above.

(27) The Committee requests the State party, in its next periodic report, due to be submitted by 1 November 2017, to provide specific, up-to-date information on the follow-up given to its other recommendations and on implementation of the Covenant as a whole.

130. **Mozambique**

(1) The Committee considered the initial report submitted by Mozambique (CCPR/C/MOZ/1) at its 3020th and 3021st meetings (CCPR/C/SR.3020 and CCPR/C/SR.3021), held on 22 and 23 October 2013. At its 3031st meeting

(CCPR/C/SR.3031), held on 30 October 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial report of Mozambique and the information presented therein, while regretting that it was submitted late. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's delegation on the measures taken by the State to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/MOZ/Q/1/Add.2) to the list of issues (CCPR/C/MOZ/Q/1/Add.1) which were supplemented by the oral responses provided by the delegation during the dialogue and for the supplementary information provided to it in writing.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption of the Constitution, in 2004;

(b) The adoption of the Family Law (No. 10/2004) and Labour Law (No. 23/2004), in 2004;

(c) The adoption of the Law on Preventing and Combating Trafficking in Persons, Especially Women and Children (No. 6/2008), in 2008; and

(d) The adoption of the Law on Domestic Violence Practised against Women (No. 29/2009), in 2009.

(4) The Committee welcomes the ratification of, or accession to, the following international instruments:

(a) The International Convention on the Elimination of All Forms of Racial Discrimination, on 18 April 1983;

(b) The Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, on 21 July 1993;

(c) The Convention on the Rights of the Child, on 26 April 1994, and the Optional Protocols thereto on the sale of children, child prostitution and child pornography, on 6 March 2003, and on the involvement of children in armed conflict, on 19 October 2004;

(d) The Convention on the Elimination of All Forms of Discrimination against Women on 21 April 1997, and the Optional Protocol thereto on 4 November 2008;

(e) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 14 September 1999;

(f) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 30 January 2012; and

(g) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 19 August 2013.

C. Principal subjects of concern and recommendations

(5) While welcoming that the provisions of the Covenant may be invoked directly in court, the Committee notes with regret that, to date, there have been no cases in which they have been invoked before the State party's courts of law (art. 2).

The State party should take measures to ensure that judges, prosecutors and law enforcement officers receive adequate training to enable them to apply and interpret domestic law in the light of the Covenant and disseminate knowledge of the provisions of the Covenant among lawyers and the general public to enable them to invoke its provisions before the courts. The State party should include in its next periodic report detailed examples of the application of the Covenant by domestic courts and access to remedies provided for in the legislation by individuals claiming a violation of the rights enshrined in the Covenant. It should also consider acceding to the First Optional Protocol to the Covenant.

(6) The Committee regrets the absence of detailed information and statistical data in the State party's initial report and the written replies to its list of issues, which would allow it to assess the impact of Covenant rights in practice in the State party, and which it deems essential to monitoring the implementation of the Covenant.

The State party should in its next periodic report provide more comprehensive information on the implementation of its legislation in different areas covered by the Covenant. It should also provide complete relevant statistical data, disaggregated by, inter alia, gender.

(7) The Committee welcomes the establishment of the National Human Rights Commission in 2009 and notes that it became operational in September 2012. Nonetheless, the Committee is concerned at the reported lack of independence of the Commission and its deficient functioning (art. 2).

The State party should strengthen its efforts to ensure that the National Human Rights Commission enjoys full independence and is afforded the necessary resources to be able to carry out its mandate effectively in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

(8) While noting that article 35 of the Constitution ensures that all citizens are equal before the law, the Committee is concerned at reports of racial discrimination against locals and local traders in tourist regions, particularly in the beaches of the Provinces of Inhambane, Gaza and Cabo Delgado, and restrictions on their freedom of movement (arts. 2, 12 and 26).

The State party should engage with relevant actors, including local authorities and the tourist industry, in a dialogue aimed at preventing and combating any form of discrimination in tourist regions. The State party should ensure the effective implementation of the legal provisions that reflect the State party's obligations under the Covenant with regard to the principle of non-discrimination. It should also take appropriate measures to ensure that such acts of discrimination are investigated.

(9) While noting the steps taken by the State party to promote gender equality, and the progress made, particularly at high levels of Government, the Committee expresses concern at the low representation of women in decision-making positions at local level. The Committee regrets that traditional discriminatory practices and stereotypes on the role and responsibilities of women and men in the family and society at large still persist, and is concerned at the prevalence of such harmful traditional practices as forced and early marriage and polygamy, despite their prohibition under the Family Law No. 10/2004. The Committee is also concerned that women are vulnerable to discrimination under customary law, including in respect of inheritance and access to land (arts. 2, 3, 23, 24, 25 and 26).

The State party should take all the necessary measures to effectively implement and enforce the existing relevant legal and policy frameworks on gender equality and non-discrimination, pursue its efforts to increase the representation of women in decision-

making positions at local level and develop strategies to combat stereotypes on the role of women, including by sensitizing its population on the need to ensure the enjoyment by women of their rights. The State party should take appropriate measures to: (a) put an end to forced and early marriages and polygamy; (b) conduct awareness-raising campaigns on the negative effects of such practices, in particular in rural areas; and (c) encourage reporting of such offences, investigate complaints from victims and bring those responsible to justice. It should also strengthen measures to ensure that women are not subjected to discriminatory treatment when customary law is applied, including through increased efforts to raise awareness of the precedence of statutory law over customary laws and practices and by raising awareness amongst women about their rights under statutory law and the Covenant.

(10) While welcoming the measures taken by the State party to combat gender-based violence, including domestic violence, inter alia the adoption of the Law on Domestic Violence Practised against Women (No. 29/2009) on 29 September 2009, the Committee is concerned at the persistence of this phenomenon and the low reporting of such crimes owing to traditional societal attitudes. The Committee regrets the lack of data on sanctions imposed on perpetrators, remedies granted to victims and the availability of shelters and rehabilitation services for victims. The Committee is further concerned at reports of stigmatization and violence against older women accused of witchcraft (arts. 2, 3, 6, 7 and 26).

The State party should strengthen its efforts to prevent and combat gender-based violence in all its forms and manifestations, including by ensuring the effective implementation of the existing relevant legal and policy frameworks. It should conduct awareness-raising campaigns on the negative effects of domestic violence, inform women of their rights and existing mechanisms of protection, and facilitate complaints from victims. The State party should further ensure that cases of domestic violence are thoroughly investigated, perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective remedies and means of protection, including an adequate number of shelters available in all parts of the country. It should also take effective measures to protect older women accused of witchcraft from ill-treatment and abuses, and carry out awareness-raising programmes among the population, in particular in rural areas, on the negative effects of such practice.

(11) The Committee is concerned at reports of instances of unlawful killings, arbitrary executions of suspected criminals, excessive use of force by law enforcement officers, and the use of torture and ill-treatment in places of deprivation of liberty, including police stations and prisons. It is further concerned at the lack of concrete and comprehensive information on investigations, prosecutions, convictions and sanctions imposed on those responsible and at the reported impunity of law enforcement officers involved in such human rights violations (arts. 2, 6, 7, 9, 10 and 14).

The State party should take practical steps to prevent the excessive use of force by law enforcement officers by ensuring that they comply with the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It should take appropriate measures to eradicate torture and ill-treatment, including by ensuring that law enforcement personnel receive training on the prevention of torture and ill-treatment by integrating the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in all training programmes. The State party should ensure that allegations of unlawful killings, excessive use of force, torture and ill-treatment are effectively investigated, that alleged perpetrators are prosecuted and, if

convicted, punished with appropriate sanctions, and that victims or their families are provided with effective remedies, including appropriate compensation.

(12) The Committee is concerned at the persistence of lynchings and the lack of impact of the measures taken to prevent and punish such offences (arts. 6, 7 and 14).

The State party should step up its efforts to prevent, investigate, prosecute and punish lynchings and conduct information and education campaigns in schools and the media on the unlawfulness of such acts, regardless of circumstances and causes, and the criminal liability incurred.

(13) The Committee expresses concern at reports of arbitrary arrests and detention, including of children, lengthy pretrial detention beyond the legally prescribed limits, failure to inform detained persons about their rights, the reasons for their detention and the charges against them, and difficulties in detained persons having access to a lawyer from the very beginning of their detention. It is also concerned at the lack of knowledge by detained persons of their rights, which prevents them from claiming compensation for violations (arts. 9, 14 and 24).

The State party should take appropriate measures to ensure that no one under its jurisdiction is subject to arbitrary arrest or detention and that detained persons enjoy all legal guarantees, in compliance with articles 9 and 14 of the Covenant. It should ensure that persons deprived of their liberty are adequately informed about their rights so as to enable them to exercise in practice their right to effective judicial redress and compensation, and that appropriate sanctions be imposed on those responsible.

(14) While noting the efforts made by the State party to improve conditions of detention, including the ongoing construction of a new prison facility, the Committee expresses concern at the severe overcrowding, deplorable conditions of detention, including insanitary conditions, inadequate food and health care, and cases of death in custody. The Committee is further concerned that the separation of minors from adults is not always guaranteed and that prisoners who have completed their sentences are sometimes not released by prison authorities (arts. 6, 7, 9, 10, 14, 24).

The State party should take urgent measures to establish a system of regular and independent monitoring of places of detention and to reduce overcrowding and improve conditions of detention, including for juvenile offenders, in line with the Covenant and the Standard Minimum Rules for the Treatment of Prisoners. In this regard, the State party should consider not only the construction of new prison facilities but also the application of alternative measures to pretrial detention, such as bail, home arrest, etc., and non-custodial sentences, such as suspended sentences, parole and community service. The State party should investigate promptly cases of death in custody, prosecute those responsible and provide appropriate compensation to families of victims. It should also ensure that the principle of separation of juvenile detainees from adults in detention facilities is respected and that prisoners who have completed their sentences are released without delay.

(15) While noting the efforts made by the State party regarding the training and employment of more judges, the Committee remains concerned about the insufficient number of judges and their inadequate training. It is further concerned about the lengthy delays in the administration of justice, the lack of clarity on the calculation of court fees and difficulties encountered by disadvantaged persons in accessing legal assistance. The Committee is also concerned at reports that the system of community courts inherited from colonial times does not appear to function according to basic fair trial principles and their decisions can contradict human rights principles (arts. 2 and 14).

The State party should continue to increase the number of qualified and professionally trained judicial personnel, as a matter of urgency; continue efforts to decrease delays in proceedings, simplify and make transparent the procedure by which court fees are calculated and ensure that legal assistance is provided in all cases where the interest of justice so requires. The State party should also ensure that the system of community courts function in a manner consistent with article 14 and paragraph 24 of general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and decisions emanating from these bodies do not run counter the State party's obligations under the Covenant.

(16) While commending the State party for its treatment of refugees and asylum seekers despite its significant reservations to the Convention relating to the Status of Refugees, the Committee notes with concern the lengthy delays in the refugee status determination process resulting in an increase in the backlog of asylum applications, and the difficulties in accessing second-instance determination, both of which may put refugees at risk of refoulement (arts. 2 and 7).

The State party should review its existing refugee status determination procedures both in law and practice so as to address the significant backlog of asylum applications, some of which have been pending for over eight years. It should specify precise time frames for these procedures and ensure they are fully accessible to asylum seekers, especially at the second instance. The State party should also consider withdrawing its reservations to the Convention relating to the Status of Refugees.

(17) While appreciating the State party's efforts in preventing and combating trafficking in persons, including the adoption of the Law on Preventing and Combating Trafficking in Persons, Especially Women and Children (No. 6/2008) on 9 July 2008, the Committee is concerned that the State party remains both a country of source and transit for men, women, and children subjected to forced labour and sexual exploitation, that cases of trafficking are underreported for fear of reprisals by individuals involved in trafficking networks that usually hold economic power or influence in the community, and that no information was provided on the availability of effective protection mechanisms and services for victims, such as shelters and rehabilitation services. The Committee is further concerned at reports of trafficking in body parts for use by so-called witch doctors in their traditional medicine (arts. 2, 6, 7, 8 and 24).

The State party should strengthen its efforts to prevent, suppress and punish trafficking in persons and trafficking in body parts, including at the regional level and in cooperation with neighbouring countries, inter alia through the organization of training for police officers, border personnel, judges, lawyers and other relevant personnel in victim identification and awareness-raising among population at large, and by providing them with adequate resources. The State party should take appropriate measures to protect victims of trafficking in persons from reprisals and provide them with adequate medical care, free social and legal assistance, and reparation, including rehabilitation.

(18) The Committee is concerned at the high rate of child labour in the country, especially in agricultural sectors and domestic services, and at reports of sexual exploitation of children (arts. 8 and 24).

The State party should continue its efforts to implement existing policies and laws that are designed to eradicate child labour and sexual exploitation of children, including through public information and education campaigns on the protection of children's rights. The State party should ensure that children have special protection, in accordance with article 24 of the Covenant, and that it is enforced in practice. Lastly,

it should ensure that violations of these laws are prosecuted and keep reliable statistics.

(19) The Committee expresses concern at reports of child abuse and sexual exploitation, including in the schools of the State party, and notes that often such cases are not reported to authorities since families try to get compensation from perpetrators outside the court system. The Committee regrets the lack of data on the number of cases that have been investigated and prosecuted, and on the compensation awarded to victims of such abuse (arts. 2, 7 and 24).

The State party should, as a matter of urgency, enhance its efforts to combat child abuse and sexual exploitation by improving mechanisms for early detection, encouraging reporting of suspected and actual abuse, and ensuring that cases of abuse are thoroughly investigated, perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that victims are adequately rehabilitated.

(20) While welcoming the measures taken to improve the birth registration system, the Committee notes that the registration rate remains low and there are deficiencies in the registration of children born outside maternity hospitals or whose parents are absent. The Committee also notes that proposals to extend the 120-day period for free birth registration and reduce the registration fees are under discussion (arts. 16 and 24).

The State party should strengthen its efforts to ensure registration of children, including by setting up special units working outside maternity hospitals and reaching all areas of the country, including the most remote ones, and conduct awareness-raising campaigns on birth registration procedures within communities, in particular in rural areas.

(21) The Committee is concerned about the criminalization of defamation in a manner that discourages the expression of critical positions or of critical media reporting on matters of public interest, and adversely affects the exercise of freedom of expression and access to information of all kinds (art. 19).

The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and developed at length in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. The State party should therefore protect the pluralist nature of the news media. It should also consider decriminalizing defamation and should in any case restrict the application of criminal law to the most serious cases, bearing in mind that imprisonment is never an appropriate punishment in such cases.

(22) The Committee is concerned that the freedom of assembly and association is not always effectively guaranteed. The Committee is also concerned about allegations of arbitrary arrests and detention of participants in peaceful demonstrations, including those organized by the Mozambique War Veterans Forum, as well as the use of tear gas, water cannons, rubber bullets and batons by police during demonstrations. The Committee is further concerned by the prolonged delays in registering the Mozambique Association for Sexual Minority Rights (Lambda), a non-governmental organization defending the rights of homosexuals (arts. 7, 9, 19, 21 and 22).

The State party should take all measures to ensure that individuals fully enjoy their rights under article 21 of the Covenant and that the right to freedom of assembly is safeguarded in practice. The State party should also investigate and prosecute persons allegedly responsible for arbitrary arrests and detention and bodily injuries inflicted in connection with participation in a peaceful demonstration and punish those who are found guilty. The State party should ensure that decisions on registration of non-governmental organizations, including Lambda, are taken without undue delays.

(23) The State party should widely disseminate the Covenant, the text of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, the text of the initial report, the written replies to the list of issues drawn up by the Committee, and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party, when preparing its second periodic report, to broadly consult with civil society and non-governmental organizations.

(24) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 13, 14 and 15 above.

(25) The Committee requests the State party, in its next periodic report, due by 1 November 2017, to provide specific, up-to-date information on all its recommendations and on the Covenant as a whole.

131. Djibouti

(1) The Committee considered the initial report of Djibouti (CCPR/C/DJI/1) at its 3012th and 3013th meetings (CCPR/C/SR.3012 and 3013), held on 16 and 17 October 2013. At its 3030th meeting (CCPR/C/SR.3030), held on 29 October 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial report of Djibouti, which was eight years overdue, and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's delegation on the measures that the State party has taken since the entry into force of the Covenant to implement its provisions. The Committee is grateful to the State party for its written replies (CCPR/C/DJI/Q/1/Add.1) to the Committee's list of issues (CCPR/C/DJI/Q/1), which were supplemented by oral responses provided by the delegation during the dialogue and additional information provided in writing.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party since the entry into force of the Covenant in 2003:

(a) The amendment to the Constitution in 2010 prohibiting the death penalty;

(b) The enactment of Act No. 210/AN/07/5 L in 2007 combating trafficking in human beings;

(c) The adoption in 2007 of Act No. 174/An/07/5 on the protection of persons living with HIV/AIDS;

(d) The enactment in 2006 of the Labour Code;

(e) The adoption of the National Strategy for the Integration of Women in Development 2003–2010; and

(f) The adoption of the National Strategic Plan for Children for 2011–2015.

(4) The Committee notes with satisfaction that the State party acceded to the Covenant and the two Optional Protocols thereto on the same day. The Committee also welcomes the ratification of or accession to most of the core international human rights treaties by the State party, including the following instruments since the entry into force of the Covenant in 2003:

(a) The International Convention on the Elimination of All Forms of Racial Discrimination in 2011;

(b) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto in 2012;

(c) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography in 2011; and

(d) The United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing it, in 2005.

C. Principal matters of concern and recommendations

Applicability of the Covenant in domestic courts

(5) The Committee takes note of article 37 of the Constitution regarding the precedence of international instruments ratified and promulgated by the State party over domestic laws, and some training sessions organized for judges and lawyers, including one on the Covenant. However, the Committee is concerned that none of the provisions of the Covenant has thus far been invoked (art. 2).

In the light of the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, the State party should ensure that all rights protected under the Covenant are given full effect in its domestic legal order. The State party should take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account before and by domestic courts. The State party should include in its next periodic report examples of application of the Covenant by domestic courts. In this regard, it should take effective measures to widely disseminate the Covenant and the two Protocols thereto in Somali and Afar.

The National Human Rights Commission

(6) While taking note of steps taken by the State party to ensure that the National Human Rights Commission complies with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), including a draft law to be adopted by the Parliament, the Committee expresses its concern regarding the information that the Commission has limited financial and human capacities and has to date been perceived as a governmental body rather than an independent institution (art. 2).

The State party should take steps to strengthen the de facto independence of the National Human Rights Commission. At the same time, it should expedite the adoption of the current legislative proposals to establish a national human rights institution in line with the Paris Principles, guaranteeing a broad human rights mandate, ensuring its full independence and providing the Commission with adequate financial and human resources. The Committee encourages the State party to continue seeking the support and advice of the Office of the United Nations High Commissioner for Human Rights in this endeavour.

Non-discrimination and equality between men and women

(7) The Committee is concerned that, despite the adoption of the Family Code in 2002, a number of its provisions still discriminate against women. In addition, while welcoming the information provided by the State party that a committee was established to discuss and possibly harmonize interpretations of Sharia law with the Covenant, the Committee is

concerned by the continuing inequality between men and women with regard to inheritance, marriage, divorce and other family matters. The Committee further reaffirms that polygamy violates the dignity of women and expresses its concern that it is still lawful in the State party (arts. 2, 3, 23 and 26).

The State party should expedite the revision of the Family Code in order to repeal or amend provisions that are inconsistent with the Covenant, including those on polygamy. The State party should take appropriate measures to enhance and promote equality in view of the Committee's general comment No. 28 (2000) on the equality of rights between men and women. The State party should organize awareness-raising programmes and campaigns to change traditional attitudes detrimental to the enjoyment by women of their human rights, and to show the negative effects of polygamy on women. The Committee encourages the State party's current work on harmonizing interpretations of Sharia law with the Covenant.

Harmful traditional practices

(8) The Committee notes with regret the continuing reports of gender-based violence against women and harmful traditional practices, especially the practice of female genital mutilation. It is alarmed that the State party has confirmed that, despite numerous policy measures taken to enforce legislation that prohibits such mutilation, 93 per cent of women of childbearing age have undergone it. The Committee regrets that impunity for perpetrators of this unlawful and harmful practice still prevails (arts. 2, 3, 7 and 26).

The State party should increase its efforts to end and eradicate such harmful practices as female genital mutilation through targeted awareness-raising and education programmes, as well as through the application of the criminal law.

Abortion

(9) The Committee expresses its concern about the general criminalization of abortion, except for therapeutic purposes. The Committee is concerned that no other exception is admitted even for cases of pregnancy resulting from rape or incest and that women who undergo abortion are criminalized and liable to imprisonment. The Committee is concerned that this may oblige pregnant women to seek clandestine and unsafe abortion services that endanger their life (arts. 6 and 17).

The State party should amend its legislation on abortion and make provision for additional exceptions, including access to abortion services in cases of pregnancy resulting from rape or incest. The State party should also strengthen its awareness-raising and education programmes on contraceptive methods, family planning and reproductive health in order to help women and girls avoid unwanted pregnancies and not resort to illegal abortions that could put their lives at risk.

Domestic violence, including marital rape

(10) While taking note of measures taken by the State party to combat rape in general, the Committee regrets the lack of specific legislation prohibiting domestic violence and marital rape, and of reporting of cases of violence (arts. 3, 7 and 26).

The State party should strengthen the legal framework for the protection of women against domestic violence by specifically criminalizing domestic violence, including marital rape. It should guarantee that cases of domestic violence and marital rape are thoroughly investigated and prosecuted. The State party should also ensure that law enforcement officials are provided with appropriate training to deal with domestic violence and sufficient, adequately resourced shelters are available. The State party should further organize awareness-raising campaigns for men and women on the adverse effects of violence against women on the enjoyment of their human rights.

Prohibition of torture and ill-treatment

(11) While noting the existence of human rights units to monitor any abuse by police officers, the Committee is concerned about continued reports of ill-treatment of detainees by law enforcement personnel. The Committee deeply regrets the lack of concrete measures taken by the State party to thoroughly investigate and prosecute alleged cases of torture and cruel, inhuman or degrading treatment and ill-treatment by law enforcement officials; it further regrets the lack of any subsequent rehabilitation and compensation offered to victims (arts. 7 and 10).

The State party should ensure that allegations of torture and ill-treatment are thoroughly investigated and that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated. The State party should establish an independent mechanism to carry out investigations of alleged misconduct by law enforcement officials. In this connection, the State party should also ensure that law enforcement officials continue to receive training on investigating torture and ill-treatment by integrating the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) into all training programmes for them. The State party should indicate in its next periodic report the number of law enforcement officials trained and the impact of such training.

Freedoms of expression and of assembly and association

(12) The Committee expresses its concern about reports of widespread threats, harassment and intimidation by the police, security and military authorities of human rights defenders and journalists. The Committee regrets that this environment may have a negative impact on the number of human rights non-governmental organizations in the State party. The Committee also expresses concerns about the provisions of the 1999 Freedom of Communication Act, in particular restrictive registration requirements for newspapers, strict age and nationality requirements for press ownership and severe penalties for defamation, including imprisonment. The Committee is further concerned by the State party's failure to create a favourable environment for diverse media outlets and by information on the limited access to foreign radio broadcasts or websites (arts. 19, 21 and 22).

The State party should:

(a) Take appropriate measures to guarantee in law and in practice, and to create an environment conducive to, the exercise of the rights to freedom of expression, peaceful association and assembly;

(b) Revise its legislation to ensure that any restriction on press and media activities is in strict compliance with article 19, paragraph 3, of the Covenant. In particular, it should review the registration requirements for newspapers and abolish prison terms for defamation and similar media offences. It should expedite the functioning of the National Communication Commission and take all above-mentioned measures in line with article 19, paragraph 3, as further explained in the Committee's general comment No. 34 (2011) on freedoms of opinion and expression;

(c) Release, rehabilitate and provide adequate judicial redress and compensation for journalists imprisoned in contravention of article 19 of the Covenant; and

(d) Give space to civil society organizations to promote their activities, and prosecute those who threaten, harass or intimidate such organizations and human rights defenders and journalists.

Conditions of detention

(13) The Committee is concerned by the ongoing poor conditions of detention, in particular in Gabode prison, despite some measures taken by the State party to improve them. The Committee also regrets the lack of a confidential mechanism to receive complaints from detainees and monitor conditions of detention (arts. 9 and 10).

The State party should strengthen its efforts to improve the living conditions and treatment of detainees and address overcrowding in line with the Standard Minimum Rules for the Treatment of Prisoners. The State party should establish a confidential mechanism for receiving and processing complaints lodged by detainees and include information thereon in its next periodic report, in addition to data on the prison population.

Corporal punishment

(14) The Committee expresses concern that corporal punishment is not explicitly prohibited in the State party. It expresses concern that it is tolerated in the home, where it is traditionally practised although unreported (arts. 7 and 24).

The State party should take practical steps to put an end to corporal punishment of children in all settings, including in the home. It should encourage non-violent forms of discipline and conduct public information campaigns to raise awareness of the harmful effects of any form of violence against children.

Post-electoral violence

(15) The Committee is concerned about allegations of a number of human rights violations committed by the State security forces before and after the presidential elections in 2011 and legislative elections in 2013, in particular excessive use of force against, arbitrary arrest of and torture and ill-treatment of demonstrators. The Committee is further concerned by the lack of comprehensive information on investigations and prosecutions of those responsible (arts. 7 and 9).

The State party should ensure that all allegations of serious human rights violations, including those regarding the 2011 and 2013 election-related demonstrations, are adequately and impartially investigated, that the perpetrators are brought to justice and the victims adequately compensated. The State party should organize training sessions for its law enforcement officials to ensure they carry out their activities in accordance with human rights standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Pretrial detention

(16) While acknowledging progress made, the Committee expresses its concern regarding lengthy pretrial detention and the lack of specific information thereon. The Committee is concerned about the high number of persons held in pretrial detention and by the fact that pretrial detainees are not separated from convicted prisoners (arts. 9, 10, 14).

The State party should enhance its efforts to ensure effective compliance with the rights protected under articles 9 and 14, paragraph 3 (c), of the Covenant. The State party should also encourage the implementation of alternatives to detention by courts taking into account the United Nations Standard Minimum Rules for Non-Custodial Measures and should take urgent measures regarding the situation of inmates who have been in pretrial detention for many years. It should further take appropriate action to ensure that convicted persons are not detained together with pretrial detainees.

Fair trial

(17) The Committee takes note of a number of measures taken to improve access to justice, including further recruitment of judges and the enactment of legislation on legal assistance. However, it expresses its concern about allegations of politically motivated prosecutions and about the harassment of defence lawyers (art. 14).

The State party should take all necessary measures to ensure, in law and in practice, that all legal safeguards are afforded to all, including the right to be assisted by a lawyer. It should guarantee the independence of the judiciary.

Participation in public affairs

(18) The Committee expresses its concern about allegations that the State party has arrested, harassed and threatened opposition leaders, many of whom have been accused of "participation in illegal demonstration or in an insurrectionary movement" and imprisoned (arts. 9, 19, 21, 22 and 25).

The State party should promote the right for all Djiboutian citizens to participate in public life and exercise their political rights without any intimidation or harassment.

Juvenile justice

(19) While taking note of a number of steps taken by the State party regarding its juvenile justice system, the Committee is nevertheless concerned by allegations of sexual violence against juvenile offenders in prisons, which have not been investigated or prosecuted. It also regrets the lack of information on measures taken by the State party to increase alternative sanctions for young people (arts. 7, 9, 10 and 24).

The State party should strengthen the juvenile justice system with adequate financial and human resources. It should also ensure that juvenile offenders are separated from adults and promote alternative sanctions to imprisonment so that juvenile offenders are detained for as short a period of time as possible and only as a last resort. The State party should investigate and prosecute those responsible for sexual violence against juvenile detainees.

Refugees

(20) The Committee, while welcoming the State party's generous admission of refugees and conscious of the enormous challenges the State party has been facing in terms of mixed migration flows, is concerned that the existing legislative framework insufficiently addresses the rights of refugees and that the excessive length of asylum procedures may put asylum seekers at risk of refoulement. While noting efforts undertaken by the State party, such as issuing birth certificates for children of refugees, the Committee is concerned about reported cases of sexual violence in refugee camps (arts. 2, 7, 24 and 26).

The State party should increase its ongoing efforts and:

(a) Enact comprehensive legislation guaranteeing efficient protection of refugees and asylum seekers;

(b) Strengthen the National Asylum Eligibility Commission and establish a fair and efficient refugee status determination process, including at the appeal level, to ensure that the principle of non-refoulement is strictly respected;

(c) Continue to issue a birth certificate to every newborn refugee child to protect refugee children and prevent statelessness; and

(d) Continue to strengthen mechanisms to prevent and prosecute sexual and gender-based violence, including by ensuring access to a confidential reporting mechanism and mobile courts.

Violence against children

(21) The Committee expresses its concern that violence against children and sexual abuse are still prevalent in the State party (art. 24).

The State party should increase its efforts to combat violence and sexual abuse against children by:

(a) Strengthening its public awareness-raising campaign on these issues and providing detailed information on the work of the National Child Council in its next periodic report; and

(b) Prosecuting and sanctioning those responsible for violence and sexual abuse against children.

Trafficking

(22) While appreciating the State party's efforts to enforce the Human Trafficking Act, the Committee is concerned that human trafficking is still being practised and regrets the lack of specific information on prosecutions and convictions of traffickers (art. 8).

The State party should continue its ongoing efforts to provide training to law enforcement officials and border and other relevant personnel to apply the Human Trafficking Act. It should increase efforts aimed at ensuring that all perpetrators of human trafficking are brought to justice and the victims adequately compensated.

(23) The State party should widely disseminate the Covenant, the two Optional Protocols thereto, the text of the initial report, the written replies to the list of issues drawn up by the Committee, and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee suggests that the report and the concluding observations be translated into the other official language of the State party. The Committee also requests that the State party, when preparing its second periodic report, broadly consult with civil society and non-governmental organizations.

(24) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 10, 11 and 12 above.

(25) The Committee requests the State party, in its next periodic report, due by 1 November 2017, to provide specific, up-to-date information on all its recommendations and on the Covenant as a whole.

132. Uruguay

(1) The Human Rights Committee considered the fifth periodic report of Uruguay (CCPR/C/URY/5) at its 3022nd and 3023rd meetings (CCPR/C/SR.3022 and 3023), held on 23 and 24 October 2013. At its 3031st meeting (CCPR/C/SR.3031), held on 30 October 2013, the Committee adopted the following concluding observations.

A. Introduction

(2) The Committee is grateful to the State party for having accepted the new optional procedure for submission of reports and for submitting its fifth periodic report in response to the list of issues prior to consideration of reports (CCPR/C/URY/Q/5), under that procedure. It is gratified to have the opportunity to renew its constructive dialogue with the State party concerning the steps taken by Uruguay during the reporting period to apply the Covenant. The Committee thanks the State party for the responses provided by the delegation orally and for the additional information that it has provided in writing.

B. Positive aspects

(3) The Committee welcomes the following legislative and other measures adopted by the State party:

(a) The promulgation of Act No. 18.831 of 27 October 2011, which restores the State's punitive powers, and the adoption of Executive Resolution CM/323 of 30 June 2011, which set aside Act No. 15.848 concerning the expiry of the punitive powers of the State;

(b) The passage of Refugee Status Act No. 18.076 of 19 December 2006, which provides for the establishment of the Refugees Commission, and of Migration Act No. 18.250 of 6 January 2008, which mainstreams a human rights perspective into migration policy; and

(c) The passage of Act No. 17.938 of 29 December 2005, which repeals the provisions in the Criminal Code and Decree-Law No. 15.032 under which certain sexual offences, such as rape or statutory rape, could be extinguished if the person who committed that offence married the victim.

(4) The Committee welcomes the State party's ratification or accession to the nine core human rights instruments and their optional protocols, the Rome Statute of the International Criminal Court (28 June 2002) and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (21 September 2001).

C. Principal subjects of concern and recommendations

(5) The Committee takes note of the explanations provided by the delegation of the State party concerning the direct application of the Covenant and the practice of invoking it in court. It has also taken note of the information provided by the State party's delegation regarding communication No. 1887/2009, *Peirano Basso v. Uruguay*, although it observes that this case has not moved forward to any significant degree (arts. 2 and 14).

The State party should provide information to judges, lawyers and the general public on the provisions of the Covenant and on their applicability in the national legal system. The Committee reiterates its earlier recommendation (A/53/40, para. 247) and urges the State party to establish a specific procedure for ensuring full compliance with the Views adopted by the Committee under the Optional Protocol.

(6) The Committee regrets that, its previous concluding observations notwithstanding (A/53/40, para. 241 and CCPR/C/79/Add.19, para. 8), the State party has not yet amended the provisions in its Constitution regarding states of emergency. The Committee reiterates its observation that the provisions regarding the basis upon which a state of emergency can be declared, as set forth in article 31 and article 168, paragraph 17, of the Constitution, are too broad. The Committee also notes with concern that the Uruguayan legal order still does not specify which rights may not be restricted or suspended under any circumstances (art. 4).

The State party should take the necessary steps to ensure compliance with article 4 of the Covenant, particularly insofar as it relates to the principle of exceptional threat and the non-derogability of the fundamental rights referred to in paragraph 2 of that article. The Committee draws the State party's attention to its general comment No. 29 (2001), which deals with the matter of temporary derogations from obligations during states of emergency.

(7) While taking note of the explanations provided by the delegation concerning the process involved in establishing the National Human Rights Institution and Ombudsman's Office, the Committee remains concerned by the fact that this agency is attached to the Administrative Commission of the legislative branch. The Committee is also concerned by

the fact that the National Human Rights Institution does not have sufficient resources of its own to fully execute its mandate, under which it is also required to perform additional functions as the national mechanism for the prevention of torture (art. 2).

The State party should ensure that the National Human Rights Institution and Ombudsman's Office has the financial, human and material resources that it needs to do its job effectively on a fully independent basis in accordance with the Paris Principles. The State party should also take the necessary steps to support the work performed by the Institution in fulfilment of its role as the national mechanism for the prevention of torture and to ensure full compliance with the Institution's recommendations. The State party should encourage the Institution to apply to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) for accreditation.

(8) While it is grateful for the information provided by the delegation concerning the progress of draft amendments to the Code of Criminal Procedure, the Committee regrets the fact that the State party has yet to follow up on its preceding concluding observations (A/53/40, para. 242) regarding pretrial detention and that release on bail and other non-custodial alternative sentences are in many cases not possible in law or in practice (art. 9).

The Committee urges the State party to complete the process of amending the Code of Criminal Procedure and, in so doing, to take into account the Committee's preceding concluding observations, in which it called for a review of detention procedures and other restrictions on the liberty of accused persons or defendants in the light of article 9, while also, in particular, bearing in mind the principle of the presumption of innocence.

(9) While welcoming the steps taken by the State party to improve conditions in prisons and other detention centres, including juvenile detention centres, the Committee is concerned by reports which indicate that overcrowding continues to be a problem in some of the country's prisons. The Committee takes note of the shortcomings in terms of infrastructure and rehabilitative opportunities in women's prisons to which the State party referred in its periodic report (para. 300). Another cause of concern is the large percentage of the prison population (65 per cent, according to official figures) that is awaiting trial and the fact that the State party's laws do not set a maximum duration for pretrial detention (art. 10).

The Committee encourages the State party to step up its efforts to improve prison conditions and to reduce overcrowding in accordance with article 10 of the Covenant. The State party should, in particular:

(a) Carry forward the work being done to improve and expand prison facilities;

(b) Place a limit on the amount of time during which a person may be held in pretrial detention in accordance with article 9 of the Covenant and ensure that such detention is ordered only as an exceptional measure;

(c) Increase the use of non-custodial penalties in accordance with the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

(10) The Committee applauds the legislative measures adopted by the State party with a view to encouraging women to take part in political affairs. It notes with concern, however, that few women hold seats in the legislature or decision-making posts in the executive and judicial branches of government. The Committee is also concerned about the male/female

wage gap and by the fact that the unemployment rate for women is twice as high as the rate for men (arts. 3, 25 and 26).

The State party should continue its efforts to do away with gender stereotypes and to carry out awareness-raising campaigns to that end. The State party should also continue to adopt affirmative action measures, as necessary, to increase women's participation in public affairs at all levels of government and their presence in management positions in the private sector. Steps should also be taken to lower women's unemployment rates and eliminate the male/female wage gap.

(11) The Committee notes that, in the course of the reporting period, the minimum age for marriage was made the same for both sexes. Nonetheless, and despite the explanation offered by the delegation, the Committee is concerned that raising the minimum age to 16 does not suffice to ensure the free and full consent of the intending spouses in conformity with international human rights standards (arts. 23 and 24).

The State party should amend its laws so as to bring the minimum age for marriage into line with international standards.

(12) Although the Committee takes note of the progress made in respect of legislative and regulatory measures relating to the rights of lesbians and gay, bisexual and transgender persons (LGBT), the Committee is concerned by reports from non-governmental organizations which indicate that people are discriminated against on the basis of sexual orientation and gender identity in employment and in other areas. The Committee also wishes to express its consternation at the violent death of at least five transsexual women in 2012 under circumstances that could be regarded as indicative of a pattern of violence based on gender identity (art. 2, para. 1, art. 6, para. 1, art. 7 and art. 26).

The State party should step up its efforts to combat discrimination against LGBT persons in all areas of life, to offer effective protection to such persons and to ensure that any and all acts of violence motivated by the sexual orientation or gender identity of the victim are investigated and that the perpetrators of such acts are prosecuted and punished. In particular, the State party should:

(a) Use all means at its disposal to investigate the murders of transgender persons that occurred during the reporting period, to bring them to trial and to impose appropriate punishments upon them;

(b) Introduce a statistical system that will make it possible to compile disaggregated data on this type of violence;

(c) Develop awareness-raising programmes to combat homophobia and transphobia.

(13) The Committee recognizes the efforts made by the State party to protect the rights of asylum seekers and refugees, but it considers that the provision of humanitarian assistance to asylum seekers arriving in Uruguay and the development of programmes for integrating refugees into the local community continue to constitute major challenges (arts. 2 and 26).

The State party should take purposeful steps to promote the integration of people who have been granted asylum and people who have been granted refugee status in order to ensure that they have equal access to employment, education, housing and health care. The Committee recommends that the State party play a direct and active role in integrating refugees into their local communities.

(14) While taking note of the introduction of the offence of torture into the legal order of Uruguay by means of Act No. 18.026 of 4 October 2006 and of the State party's cooperation with the International Criminal Court in its effort to combat genocide, war crimes and crimes against humanity, the Committee considers that the way in which that

offence is defined in article 22 of the above-mentioned law is not entirely in accordance with the relevant provisions of international human rights instruments (art. 7).

The State party should adopt the necessary legislative measures to ensure that any and all acts of torture are defined as criminal offences in accordance with article 7 of the Covenant and articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(15) While it applauds the various efforts made in the legislative and institutional spheres to combat violence against women and domestic violence, in particular, the Committee is concerned by the fact that marital rape is not defined as an offence in the Criminal Code. The Committee also regrets that the State party has provided so few statistics on the various forms of violence to which women are subject. The Committee also lacks information on the evaluation of the results of the National Plan to Combat Domestic Violence, 2004–2010. The Committee further takes note of the delegation's statement concerning the need to improve coordination among the various agencies working in this area (arts. 3 and 7).

The State party should define marital rape as a criminal offence and use all means at its disposal to investigate incidents of violence against women, to identify those responsible, to bring them to trial and to impose appropriate penalties upon them. The State party should compile detailed statistics on violence against women, including disaggregated data on the number of complaints, investigations, trials, sentences handed down and measures of redress granted to victims. It should also strengthen coordination among the different agencies responsible for preventing this type of violence and punishing perpetrators in order to ensure that these agencies' efforts are more effective.

(16) The Committee takes note of the efforts made by the State party to prevent and combat human trafficking. It regrets, however, that it has not received the information that it requested on the outcome of investigations and related criminal proceedings involving human traffickers. Nor has it received the requested information on existing mechanisms for the referral of trafficking victims to the asylum system (art. 8).

The State party should continue to pursue its efforts to prevent and eradicate human trafficking by, in particular:

(a) Ensuring that all reports of human trafficking are investigated, that those responsible are brought to trial and that, if found guilty, they are punished appropriately;

(b) Ensuring that victims receive proper medical care, free legal and social assistance, and redress, including rehabilitation;

(c) Establishing effective mechanisms for correctly identifying trafficking victims and referring persons in need of international protection to the asylum system;

(d) Compiling statistics on trafficking victims that are disaggregated by sex, age, ethnic origin and country of origin with a view to addressing the underlying causes of this phenomenon and evaluating the effectiveness of the programmes and strategies currently in place.

(17) While taking note of the delegation's assurances that *amparo* appeals are an effective remedy for violations of Covenant rights, the Committee is disturbed by reports from non-governmental sources concerning an over-restrictive application of *amparo* (arts. 2 and 14).

The Committee should ensure that the remedy of *amparo* is guaranteed in practice.

(18) The Committee regrets that the State party has not provided it with specific information on the outcome of criminal or disciplinary investigative procedures undertaken in the case of officials of the Uruguayan Institute for Children and Adolescents (INAU) who are suspected of having sexually abused a number of minors who were being held in an admissions centre for adolescents (arts. 3, 7, 10, 24).

The State party should ensure that all reports of abuse in facilities for juveniles are investigated promptly and impartially and that the persons suspected of committing such abuse are brought to trial with a view to preventing any reoccurrence.

(19) The Committee is concerned about the content and effects of Supreme Court Decision No. 20 of 22 February 2013, in which the Court found that articles 2 and 3 of Act No. 18.831, which restores the State's punitive powers, were unconstitutional as applied to a case concerning serious human rights violations committed during the dictatorship. The Committee considers the Court's decision to be unfortunate and believes that its failure to recognize the inapplicability of a statute of limitations to crimes against humanity and other serious human rights violations, such as enforced disappearances, torture and extrajudicial killings, runs counter to international human rights law. The Committee takes note of the delegation's explanations, according to which that decision is, in theory, limited in scope to the specific case in question and will not undermine the intent of Act No. 18.831 (arts. 2, 6, 7, 9 and 14).

The Committee reiterates its earlier recommendation (A/53/40, para. 240) in which it encouraged the State party to find a solution that is in full compliance with its obligations under the Covenant. In this regard, the Committee draws attention to its general comments No. 20 (1992), on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, in which it states that amnesties are in general incompatible with States' obligation to investigate acts of torture (para. 15), and No. 31 (2004), on the nature of the general legal obligation imposed on States parties to the Covenant, in which it states that States parties may not relieve the perpetrators of acts of torture, arbitrary or extra-judicial killings or enforced disappearance of their personal legal responsibility (para. 18). The Committee invites the State party to bring the Bangalore Principles of Judicial Conduct (E/CN.4/2003/65, annex) to the attention of the Justices of the Supreme Court.

(20) The Committee is disturbed by the existence of citizens' initiatives that would lower the minimum age of criminal responsibility to 16 and make it possible for young people in conflict with the law to be tried as adults in cases involving serious crimes (art. 24).

The State party should ensure that its juvenile criminal justice system upholds the rights set forth in the Covenant and other international instruments. The Committee considers that it is particularly important to uphold the right of minors in conflict with the law to be treated in a way that will promote their integration into society, the principle that detention and incarceration should be used only as a last resort, and the right of minors to be heard in criminal proceedings that concern them and to have appropriate legal assistance made available to them.

(21) The Committee is concerned by reports of the exploitation of child labour in the State party, although it does acknowledge the efforts made to assist children who live or work in the streets (arts. 23 and 24).

The State party should continue to adopt effective measures to address the situation of street children and to combat the exploitation of children in general and invites the State party to organize campaigns to raise public awareness of children's rights.

(22) While taking note of the general explanations provided by the delegation regarding the factors that obstruct access to the justice system in Uruguay for the most vulnerable

groups in the population and groups at risk of social exclusion, the Committee regrets that so little information has been provided to it regarding the steps being taken to provide persons of indigenous origin and persons of African descent with equitable access to the courts and administrative bodies (arts. 14 and 26).

The State party should ensure that mechanisms are in place to provide vulnerable groups with access to the justice system without being subject to discrimination of any kind.

(23) The State party should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report and these concluding observations with a view to raising the awareness of judicial, legislative and administrative authorities, civil society, non-governmental organizations operating in the country and the general public. The Committee also requests the State party, when preparing its next periodic report, to undertake broad-ranging consultations with civil society and non-governmental organizations.

(24) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, within one year the State party should provide information on its implementation of the recommendations made by the Committee in paragraphs 7, 8 and 19.

(25) The State party is invited to submit its next report, which will be its sixth periodic report, by 1 November 2018. To that end the Committee will send the State party in due course a list of issues prior to submission.

133. Sierra Leone

(1) The Committee considered the initial report submitted by Sierra Leone (CCPR/C/SLE/1) at its 3040th and 3041st meetings (CCPR/C/SR.3040 and 3041), held on 11 and 12 March 2014. At its 3060th meeting (CCPR/C/SR.3060), held on 25 March 2014, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial report of Sierra Leone, which was long overdue, and the information presented therein. It expresses appreciation for the opportunity to engage in dialogue with the State party's delegation on the measures taken by the State party to implement the provisions of the Covenant since its entry into force in the State party.

(3) The Committee regrets the late submission of the State party's written replies (CCPR/SLE/Q/1/Add.1) to the list of issues, which was received on the first day of the dialogue. While it appreciates the efforts made by the delegation to provide answers to its questions, the Committee regrets that there was no representation from the capital and that the delegation was not in a position to provide full information on the current situation of civil and political rights in Sierra Leone.

B. Positive aspects

(4) The Committee welcomes the following legislative and institutional steps taken by the State party since the entry into force of the Covenant in 1996:

(a) Adoption of the Anti-Human Trafficking Act, in 2005;

(b) Adoption of the Child Rights Act, in 2007;

(c) Adoption of the Domestic Violence Act, in 2007;

(d) Adoption of the Sexual Offences Act, in 2012;

(e) Enactment of the Legal Aid Act, in 2012;

(f) Introduction of free health care for lactating mothers and young children, in 2010.

(5) The Committee welcomes the ratification by the State party of the following international instruments:

(a) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2001;

(b) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography in 2011;

(c) The Convention on the Rights of Persons with Disabilities in 2010.

C. Principal matters of concern and recommendations

National Human Rights Commission

(6) While noting the steps taken by the State party to ensure that the Human Rights Commission of Sierra Leone (HRCSL) complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the Committee is concerned that the HRCSL has insufficient resources to fully execute its mandate. The Committee regrets the reported lack of independence of the HRCSL and that its recommendations are not adequately taken into account by State authorities (art. 2).

The State party should take steps to strengthen the de facto independence of the HRCSL and ensure that its recommendations are adequately taken into account by State authorities, in line with the Paris Principles (General Assembly resolution 48/134, annex). At the same time, the HRCSL should be provided with the necessary financial and human resources to be able to carry out its mandate effectively.

Applicability of the Covenant in domestic courts

(7) The Committee notes with concern that the rights protected by the Covenant have not been fully integrated into domestic law and that the Covenant has not been publicized widely enough to be readily invoked before the courts and authorities of the State party (art. 2).

The State party should enact legislation implementing all rights under the Covenant that are not already protected under domestic law. In the meantime, the State party should increase its efforts to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account by both national and traditional courts. In this regard, the State party should take effective measures to widely disseminate the Covenant to the public. It should also consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights on communications under the complaints procedure.

Reparations for human rights violations

(8) In view of the gravity and scale of the human rights violations that occurred during the civil war and the recommendations of the Truth and Reconciliation Commission (TRC), the Committee regrets that the Sierra Leone Reparations Programme, established in 2008, does not fully guarantee all aspects of the right to adequate reparation, including full reintegration of child soldiers and psychological treatment for victims of sexual violence, and that, thus far, a significant number of victims has not received any reparations. The Committee notes with concern that the War Victims' Trust Fund faces serious funding constraints. It is also concerned by reports that the National Commission on Social Action had difficulties registering victims living in remote and rural areas and a great number of victims were not registered and therefore do not qualify as beneficiaries (arts. 2, 6 and 7).

The State party should include in the Sierra Leone Reparations Programme all measures that are consistent with the right to reparation, such as rehabilitation measures, fair and adequate compensation and access to social programmes. It should also ensure that the Programme is provided with the necessary resources to carry out its functions throughout the country. The State party should continue its efforts to ensure that all victims in its territory are registered and receive appropriate reparation.

Legislative framework

(9) The Committee welcomes the current Constitutional review process, which will provide the State party with opportunities to incorporate the rights enshrined in the Covenant into the new Constitution, but it is concerned by the reported lack of funds devoted to the review process, the lack of civil society participation and the slow pace of the review. The Committee is particularly concerned at discriminatory provisions against women in the existing Constitution, in particular article 27 (4) (d) (arts. 2, 3 and 26).

The State party should provide the Constitutional review process with adequate funding and strengthen its efforts to expedite the revision of the Constitution in order to repeal or amend discriminatory provisions against women that are inconsistent with the Covenant and to incorporate all the rights enshrined in the Covenant. The State party should pay particular attention to ensuring the full participation of civil society in the ongoing review process.

Non-discrimination and equality between men and women

(10) While welcoming the adoption of the National Action Plan for the full implementation of Security Council resolutions 1325 (2000) and 1820 (2008), the Committee notes with concern that women remain underrepresented in both the public and private sectors, particularly in decision-making positions. The Committee further expresses its concern at the persistence of deep-rooted and negative patriarchal stereotypes regarding the roles of women and men in the family and in society at large. The Committee is also concerned at the discriminatory statutory provisions against women regarding the acquisition and transmission of nationality with respect to children who are born outside of the State party (arts. 2, 3 and 26).

The State party should enhance its efforts to eliminate existing patriarchal and gender stereotypes on the roles and responsibilities of women and men in the family and in society by, inter alia, adopting programmes that seek to raise awareness in society of gender equality. The State party should strengthen its efforts to increase the participation of women in the public and private sectors. The State party should take immediate measures to ensure equal rights for women and men to acquire and transfer nationality.

Discrimination against lesbian, gay, bisexual and transgender (LGBT) persons

(11) The Committee is concerned that the State party lacks any constitutional or statutory provision expressly prohibiting discrimination on the grounds of sexual orientation or gender identity, and that same sex relationships between consenting adults are criminalized by law. The Committee notes with concern the prevalence of stereotypes and prejudices against lesbian, gay, bisexual and transgender (LGBT) persons and is particularly concerned about reported acts of violence against LGBT persons (arts. 2 and 26).

The State party should review its Constitution and legislation to ensure that discrimination on the grounds of sexual orientation and gender identity is prohibited, including by decriminalizing sexual relations between consenting adults of the same sex, in order to bring its legislation into line with the Covenant. The State party should also take the necessary steps to put an end to the social stigmatization of

homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity.

Harmful traditional practices

(12) The Committee is concerned by the continuing reports of harmful traditional practices, especially female genital mutilation. The Committee welcomes the Child Rights Act (2007), which criminalizes the commission of some harmful traditional practices, but notes with serious concern the rejection of a proposed provision to criminalize female genital mutilation during the adoption of the Child Rights Act. The Committee regrets that impunity for perpetrators of this unlawful and harmful practice still prevails (arts. 2, 3, 7 and 26).

The State party should explicitly prohibit female genital mutilation. Furthermore, the State party should make efforts to prevent and eradicate harmful traditional practices, including female genital mutilation, by strengthening its awareness-raising and education programmes in consultation with women's organizations and traditional leaders. In this regard, the national-level team established to develop a common perception on the issue of female genital mutilation should ensure that communities where the practice is widespread are targeted in order to bring about a change in mindset.

Early marriage

(13) While noting that the Child Rights Act of 2007 establishes the age of marriage at 18 years, the Committee notes with concern that the Registration of Customary Marriages and Divorce Act allows child marriage with parental consent. The Committee is concerned at the persistence of early marriages, especially in rural areas, and the lack of sanctions on those responsible (arts. 3, 23 and 24).

The State party should review the Registration of Customary Marriages and Divorce Act in order to bring it into line with the Child Rights Act of 2007 and ensure the strict application of its legislation banning early marriages. It should carry out campaigns to publicize the legislation and inform girls, their parents and community leaders of the harmful effects of early marriage.

Abortion, adolescent pregnancy and maternal mortality

(14) The Committee notes with interest the Abortion Bill of 2012, but expresses its concern at the current general criminalization of abortion, which may oblige pregnant women to seek clandestine abortions that endanger their lives and health. The Committee is also concerned at the persistently high incidence of adolescent pregnancy and maternal mortality, despite the State party's prevention efforts (arts. 6 and 17).

The State party should accelerate the adoption of a bill that includes provision for exceptions to the general prohibition of abortion for therapeutic reasons and in cases of pregnancy resulting from rape or incest. The State party should ensure that reproductive health services are accessible for all women and adolescents. Furthermore, the State party should increase education and awareness-raising programmes, both formal (at schools and colleges) and informal (in the mass media), on the importance of using contraceptives and the right to reproductive health.

Violence against women

(15) While welcoming the measures taken by the State party to combat gender-based violence, the Committee notes with concern the continuing reports of violence against women and the lenient treatment of such crimes by the police. The Committee notes with interest the establishment of the extraordinary court sittings known as "Saturday courts"

and the work of the Family Support Units, but regrets the failure on the part of the authorities to ensure prompt and systematic prosecution of perpetrators. The Committee is particularly concerned about the lack of free medical examination after rape, the automatic closing of cases following the withdrawal of complaints by victims of domestic violence, and the limited access to legal aid and shelter and rehabilitation services for victims of sexual and domestic violence (arts. 3 and 7).

The State party should adopt a comprehensive approach to preventing and addressing gender-based violence in all its forms and manifestations. It should strengthen the Family Support Units, legal aid facilities and prosecutorial staff, and conduct awareness-raising campaigns on the negative effects of domestic violence and inform women of their rights and of existing mechanisms for protection. It should also strengthen and institutionalize a training course with a gender perspective, which should be mandatory for all legal and law enforcement officials and health service personnel, in order to ensure that they are able to respond effectively to all forms of violence against women. The State party should further ensure that cases of domestic violence and spousal rape are thoroughly investigated; victims are entitled to free medical examination after sexual abuse; perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; and victims have access to effective remedies and means of protection, including an adequate number of shelters in all parts of the country.

Prohibition of torture and ill-treatment

(16) The Committee is concerned that, although torture is prohibited in the Constitution, the State party has not adopted criminal legislation that defines and criminalizes torture explicitly. The Committee regrets the continued reports of torture and ill-treatment of detainees by law enforcement personnel, and notes with concern the information provided by the State party in its initial report that "at the present, there are no official complaints of torture." It regrets the lack of concrete measures by the State party to thoroughly investigate and prosecute alleged cases of torture and cruel, inhuman or degrading treatment and ill-treatment by law enforcement officials and the delays in establishing the Independent Police Complaints Board (arts. 7 and 10).

The State party should adopt in its legislation a definition of torture that fully complies with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with article 7 of the International Covenant on Civil and Political Rights. It should ensure that law enforcement personnel receive training on the investigation of torture and ill-treatment by integrating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1999 (the Istanbul Protocol) in all training programmes for law enforcement officials. The State party should ensure that allegations of torture and ill-treatment are effectively investigated, alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and victims are adequately compensated.

Amnesty laws

(17) The Committee regrets that the blanket amnesty provision contained in the 1999 Lomé Peace Accord continue to impede the investigation of grave human rights violations that occurred in the past. The Committee also notes with concern the recent case of Ibrahim Baldeh Bah, a Senegalese national, who was facing private criminal prosecution in Sierra Leone, including for charges of torture, and who was controversially expelled from the country by a presidential order before he could be brought before the court (arts. 2, 6 and 7).

The State party should ensure that the amnesty provision is not applied to the most serious human rights violations that amount to crimes against humanity or war crimes. It should ensure that such human rights violations are thoroughly investigated, their perpetrators held accountable and that adequate reparation is made to the victims and their families.

Abolition of death penalty

(18) While welcoming the continued moratorium on the death penalty and the commitment expressed by the State party's delegation to abolish it in law, the Committee regrets the slow progress of the process to abolish the death penalty and remove the provision from the State party's Constitution (art. 6).

The State party should expedite its efforts to abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in line with the information provided about the State party's commitment to do so, and the occasion of the 25th anniversary of the Protocol.

Corporal punishment

(19) While taking note of the fact that the Child Rights Act (2007) criminalizes and punishes torture and ill-treatment of children, the Committee expresses concern about the continuing practice of corporal punishment in all settings, and that it is not explicitly prohibited by law (arts. 7 and 24).

The State party should take practical steps, including through legislative measures where appropriate, to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

Pretrial and arbitrary detention

(20) While acknowledging progress made, the Committee expresses concern at reports of arbitrary detention, lengthy pretrial detention (including detention during trial) and the unpredictable and, at times, overly restrictive exercise of power over the granting of bail. The Committee is concerned about the high number of persons held in pretrial detention, including juveniles, and the fact that pretrial detainees are not separated from convicted prisoners (arts. 9, 10 and 14).

The State party should take appropriate measures to ensure that no one under its jurisdiction is subject to arbitrary arrest or detention and that detained persons enjoy all legal guarantees, in compliance with articles 9 and 14 of the Covenant. The State party should also encourage the implementation of alternatives to detention by courts, taking into account the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), and take urgent measures regarding the situation of inmates who have been in pretrial detention for many years. It should further take appropriate action to ensure that convicted persons are not detained together with pretrial detainees.

Conditions of detention

(21) While welcoming the steps taken by the State party to improve conditions in prisons, including juvenile detention centres, the Committee is concerned about overcrowding in detention centres, the poor conditions in detention centres, harsh disciplinary measures and the absence of oversight mechanisms to monitor places of detention. The Committee is also concerned at reports that women incarcerated in detention facilities have been attacked by

male guards, the lack of separation between juvenile and adult offenders and the possibility of life imprisonment for juveniles (arts. 9, 10 and 14).

The State party should strengthen its efforts to improve the living conditions and treatment of detainees and address overcrowding in detention centres in line with the Standard Minimum Rules for the Treatment of Prisoners. It should develop alternatives to incarceration for those charged and convicted for light offences and encourage the release of suspects on bail. The State party should also pass a new Correctional Bill, prohibiting harsh disciplinary measures such as lashes, food manipulation and prolonged solitary confinement, and establish a confidential mechanism for receiving and processing complaints lodged by detainees. The State party should ensure that women prisoners are protected from male guards and that the principle of separation of juvenile detainees from adults in detention facilities is respected. It should also ensure that no juvenile is sentenced to life imprisonment without parole, and adopt all appropriate measures to review the situation of persons already serving such sentences.

Reform of the justice sector

(22) While welcoming the State party's efforts to ensure access to justice within the State party, the Committee is concerned that limitations still exist. The Committee is particularly concerned about the lack of judicial independence, allegations of corruption, lengthy delays in court hearings and lack of due process guarantees (arts. 2 and 14).

The State party should strengthen its efforts to enhance judicial capacity, including removal of all unnecessary obstacles, in order to guarantee equal access to justice. It should also take all necessary measures to improve access to legal representation and strengthen the independence of the judiciary.

Refugees

(23) The Committee welcomes the establishment of the Refugees Protection Act 2007 that has designated three administrative bodies to address refugee issues; however, the Committee is concerned that the lack of funding to these bodies will result in it being an unsustainable solution (arts. 7 and 15).

The State party should ensure that the three administrative bodies, namely, the National Refugee Authority and its Secretariat, the National Commission for Social Action and the Refugee Status Appeal Board, receive adequate funding to support their sustainability.

Trafficking

(24) While appreciating the State party's efforts to enforce the Anti-Human Trafficking Act (2005) and the establishment of the Office of National Security to coordinate the monitoring of human trafficking, the Committee is concerned about the persistence of the phenomenon of trafficking in persons in Sierra Leone. The Committee regrets the lack of specific information on prosecutions and convictions of traffickers (art. 8).

The State party should continue its efforts to provide training to law enforcement officials and border patrol, including personnel of the Office of National Security, on applying the Anti-Human Trafficking Act. It should increase efforts aimed at ensuring that all perpetrators of human trafficking are brought to justice and that victims are adequately compensated.

(25) The State party should widely disseminate the Covenant, the text of its initial report, the written replies to the list of issues drawn up by the Committee, and the present concluding observations among the judicial, legislative and administrative authorities, civil

society and non-governmental organizations operating in the country, as well as the general public.

(26) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 14, 16 and 20 above.

(27) The Committee requests the State party to provide in its next periodic report, due to be submitted on 28 March 2017, specific, up-to-date information on the implementation of all its recommendations and on the Covenant as a whole. The Committee also requests the State party, when preparing its next periodic report, to broadly consult with civil society and non-governmental organizations operating in the country.

134. **Nepal**

(1) The Committee considered the second periodic report submitted by Nepal (CCPR/C/NPL/2) at its 3050th and 3051st meetings (CCPR/C/SR.3050 and CCPR/C/SR.3051), held on 18 and 19 March 2014. At its 3061st meeting (CCPR/C/SR.3061), held on 26 March 2014, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the second periodic report of Nepal, which was due in 1997, and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's delegation on the measures that the State party has taken since its last review in 1994 to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/NPL/Q/2/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The signing of the Comprehensive Peace Accord in 2006;

(b) The adoption of the interim Constitution in 2007;

(c) The introduction of a third gender in various official documents, including citizenship certificates, pursuant to the Supreme Court judgment of 21 December 2007; and

(d) The establishment of the second Constituent Assembly in January 2014 and the appointment of the Cabinet in February 2014.

(4) The Committee welcomes the ratification by the State party of the following international instruments:

(a) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty in 1998;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2006;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2007;

(d) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2007;

(e) The United Nations Convention against Transnational Organized Crime in 2006 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, in 2008; and

(f) The Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2010.

C. Principal matters of concern and recommendations

Impunity for gross violations committed during the conflict

(5) The Committee is concerned at the prevailing culture of impunity for gross violations of international human rights law and serious violations of international humanitarian law committed during the 10-year conflict from 1996 to 2006, including extrajudicial killings, enforced disappearances, torture, sexual violence and arbitrary detention. In particular, it expresses concern at:

(a) The lack of investigation and prosecution of perpetrators, exacerbated by political interference in the criminal justice system, such as the refusal by the police to register First Information Reports, pressure exerted on law enforcement officials not to investigate or prosecute certain cases, and extensive withdrawal of charges against persons accused of human rights violations, noting that not a single conflict related case has been successfully prosecuted through the criminal justice system;

(b) The denial of effective remedies to victims, noting that only limited monetary forms of assistance have been provided to some victims or their relatives under the Interim Relief Programme, while others have been excluded, including victims of torture, rape and other forms of sexual violence; and

(c) The lack of a vetting system to exclude persons accused of serious human rights violations from holding public office and the practice of promoting such individuals instead (arts. 2, 3, 6, 7, 9, 10 and 16).

The State party should:

(a) Ensure that all gross violations of international human rights law, including torture and enforced disappearances, are explicitly prohibited as criminal offences under domestic law;

(b) End all forms of political interference in the criminal justice system and undertake independent and thorough investigations into alleged conflict-related cases of human rights violations, and hold the perpetrators accountable without any further delay. The Committee stresses that transitional justice mechanisms cannot serve to dispense with the criminal prosecution of serious human rights violations;

(c) Create, as a matter of priority and without further delay, a transitional justice mechanism in accordance with the Supreme Court writ of mandamus of 2 January 2014 and ensure its effective and independent functioning in accordance with international law and standards, including by prohibiting amnesties for gross violations of international human rights law and serious violations of international humanitarian law;

(d) Ensure that all victims are provided with an effective remedy, including appropriate compensation, restitution and rehabilitation, taking into account the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147); and

(e) Adopt guidelines for vetting to prevent those accused of violations of the Covenant from holding public office and being promoted.

Views adopted under the first Optional Protocol to the Covenant

(6) While welcoming the commitment expressed by the State party delegation to fully implement the Views of the Committee adopted under the first Optional Protocol, and noting that "interim relief" has been provided to some victims, the Committee expresses concern at the failure of the State party to implement the Views of the Committee (art. 2).

The Committee urges the State party to take concrete steps to give full effect to all Views on individual communications adopted by the Committee, in particular by conducting prompt, thorough and independent investigations, prosecuting those responsible, and providing effective remedies and reparation to victims without any further delay. The Committee reiterates that transitional justice mechanisms are not sufficient to dispense with the criminal prosecution of serious human rights violations.

National Human Rights Commission (NHRC)

(7) The Committee is concerned at the introduction of restrictions to the independent and effective functioning of the NHRC through the adoption of the National Human Rights Act in 2012. While noting the Supreme Court decision of 6 March 2013 which declared various provisions of the Act null and void, the Committee regrets the lack of progress in bringing the Act in line with the Paris Principles. It also regrets the inadequate implementation of the recommendations issued by the NHRC, despite the fact that they are binding under domestic law (art. 2).

The State party should amend the National Human Rights Act 2068 (2012) to bring it in line with the Paris Principles (General Assembly resolution 48/134, annex) and the Supreme Court decision of 6 March 2013 so as to ensure its independent and effective functioning. It should also amend procedures governing the appointment of Commissioners to ensure a fair, inclusive and transparent selection process, and ensure that the recommendations issued by the NHRC are effectively implemented.

Gender equality

(8) While noting the steps taken by the State party to promote gender equality, the Committee expresses concern at the extremely low representation of women, particularly Dalit and indigenous women, in high-level decision-making positions. The Committee regrets the persistence of patriarchal attitudes and deep-rooted stereotypes that perpetrate discrimination against women in all spheres of life, and the prevalence of harmful traditional practices such as child marriage, the dowry system, son preference, witchcraft accusations and *chaupadi* (arts. 2, 3 and 26).

The State party should take all necessary measures to effectively implement and enforce the existing legal and policy frameworks on gender equality and non-discrimination, pursue its efforts to increase the representation of women in decision-making positions, and develop concrete strategies to eliminate gender stereotypes on the role of women, including through public awareness campaigns. It should also take appropriate measures to (a) explicitly prohibit all forms of harmful traditional practices in domestic law and ensure its effective implementation in practice; (b) conduct awareness-raising campaigns on the prohibition and negative effects of such practices, particularly in rural areas; and (c) encourage reporting of such offences, investigate complaints from victims and bring those responsible to justice.

Caste-based discrimination

(9) While welcoming the adoption of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act in 2011, the Committee remains concerned at the lack of its effective implementation and the persistence of de facto discrimination against the Dalit community. It also regrets the lack of sufficient resources provided to the

National Dalit Commission and the failure to effectively implement its recommendations (arts. 2 and 26).

The State party should strengthen its measures to implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act and to eliminate all forms of discrimination against the Dalit community. It should also ensure that the National Dalit Commission can carry out its mandate effectively with sufficient resources, and that its recommendations are effectively implemented.

Extrajudicial killings, torture and ill-treatment

(10) The Committee is concerned at reports of unlawful killings in the Terai region, deaths in custody, and the official confirmation of the widespread use of torture and ill-treatment in places of police custody. It is deeply concerned at the failure of the State party to adopt legislation defining and criminalizing torture, and at the lack of concrete and comprehensive information on investigations, prosecutions, convictions, sanctions imposed on those responsible, and the impunity of law enforcement officials involved in such human rights violations (arts. 2, 6, 7, 9, 10 and 14).

The State party should take practical steps to prevent the excessive use of force by law enforcement officials by ensuring that they comply with the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). It should take appropriate measures to eradicate torture and ill-treatment, including by adopting legislation defining and prohibiting torture with sanctions and remedies commensurate with the gravity of the crime, in accordance with international standards. It should also ensure that law enforcement personnel receive training on the prevention and investigation of torture and ill-treatment by integrating the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The State party should ensure that allegations of unlawful killings, torture and ill-treatment are effectively investigated, and that alleged perpetrators are persecuted and, if convicted, punished with appropriate sanctions, and that the victims and their families are provided with effective remedies.

Arbitrary detention

(11) While noting that article 24 of the interim Constitution affords some legal guarantees to persons deprived of their liberty, such as the right to be informed of the grounds of their arrest and access to a court within 24 hours, the Committee expresses concern at the failure to respect such rights in practice. It also expresses concern at the lack of effective guarantees, in law and in practice, of the rights of detainees to notify their immediate family members about their detention and to have access to a doctor from the moment of arrest, as well as the practice of maintaining false or inadequate custody records and keeping detainees in unofficial places of detention (arts. 9, 10 and 14).

The State party should take appropriate measures to ensure that no one under its jurisdiction is subject to arbitrary arrest or detention and that detained persons enjoy all legal guarantees, in compliance with articles 9 and 14 of the Covenant. It should also publish all official places of detention on a regular basis and explicitly forbid and criminalize the use of unofficial places for detention.

Conditions of detention

(12) While welcoming the introduction of the concept of open prisons and a community prison system, the Committee expresses concern at overcrowding in prisons and jails, unsanitary conditions of detention, and inadequate provision of basic services and facilities,

including medical care and adequate facilities for confidential meetings with lawyers (arts. 9 and 10).

The State party should take urgent measures to establish a system of regular and independent monitoring of places of detention and to reduce overcrowding and improve conditions of detention, in line with the Standard Minimum Rules for the Treatment of Prisoners. In this regard, the State party should consider not only the construction of new prison facilities but also the application of alternative measures to pretrial detention, such as bail and home arrest, and non-custodial sentences, such as suspended sentences, parole and community service. The State party should also establish a confidential mechanism for receiving and processing complaints lodged by detainees.

Violence against women

(13) While noting the adoption of various laws and policies aimed at eliminating violence against women, the Committee expresses concern at their weak implementation, lack of a comprehensive system to collect data on cases of different types of violence against women, and continuing reports of widespread sexual and domestic violence against women and girls. It is also concerned at the narrow definition of rape, the lack of progress in abolishing the 35-day limitation period for filing complaints of rape, and disproportionately low penalties for marital rape. The Committee further regrets the ongoing failure by the police to register complaints, investigate and prosecute rape cases, and the trend of such cases being diverted to settlement through informal justice mechanisms (arts. 2, 3 and 7).

The State party should ensure that all forms and manifestations of violence against women are defined and prohibited under domestic law with sanctions commensurate with the gravity of the offence, in accordance with international standards. It should establish a comprehensive national data collection system on cases of different types of violence against women to enable the State party to adopt targeted strategies and evaluate their effectiveness. It should also conduct awareness-raising campaigns on the negative effects of violence against women, inform women of their rights and existing mechanisms of protection, and facilitate complaints from victims. The State party should further ensure that cases of violence against women are thoroughly investigated, perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective remedies and means of protection.

Refugees

(14) While commending the State party for hosting a large number of refugees and asylum seekers in its territory, the Committee is concerned that identity documents have not been provided to Tibetan refugees since 1995, which places the majority of the Tibetan refugee population at risk of financial penalties under the 1994 Immigration Rules for irregular entry or presence in the State party, detention, deportation and refoulement. It also expresses concern at the restrictions imposed on Tibetan refugees' rights should the State party deem any activity to undermine the friendly relationship with its neighbour. The Committee is also concerned about the lack of legislation that would ensure adequate protection against refoulement (arts. 2, 7, 9, 13, 19, 26 and 27).

The State party should adopt national refugee legislation in accordance with international standards, strictly uphold the principle of non-refoulement, and exempt refugees and asylum seekers from penalties under the 1994 Immigration Rules. It should undertake a comprehensive registration exercise of long-staying Tibetans to ensure that all persons have proper documentation and ensure, in law and in practice, that all refugees and asylum seekers are not subjected to arbitrary restrictions of their rights under the Covenant, including freedom of expression, assembly and association. It should also guarantee access to its territory to all Tibetans who may have a valid

refugee claim and refer them to the Office of the United Nations High Commissioner for Refugees.

Corporal punishment

(15) While noting the adoption of the National Children Policy in 2012, the Committee notes that corporal punishment remains a concern, especially in the home, where it traditionally continues to be practiced as a form of discipline by parents and guardians (arts. 7 and 24).

The State party should take practical steps, including through legislative measures where appropriate, to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

Fair trial

(16) The Committee is concerned at the failure to respect the right to remain silent in practice, lack of legal clarity concerning the inadmissibility of evidence obtained as a result of coercion, and the inadequate provision of legal aid services. It also reiterates its previous concern regarding the quasi-judicial authority of Chief District Officers (CDOs), whose dual capacity as members of the executive and judiciary in criminal cases contravenes article 14 of the Covenant.

The State party should take effective measures to guarantee the right to a fair trial, in accordance with article 14 of the Covenant and general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial. In particular, the State party should effectively ensure the right to remain silent in practice, amend the Evidence Act to clarify that no defendant should be compelled to give evidence and ensure that evidence which is the result of coercion is inadmissible, and ensure that right to legal aid under domestic law is guaranteed in practice. It should also limit the judicial authority of CDOs to cases of minor gravity and amend the laws granting CDOs judicial authority in line with the requirements under article 14 of the Covenant.

Juvenile justice

(17) The Committee expresses concern at the low age of criminal responsibility set at 10 years, and the systematic failure to accord children the right to a fair trial with effective procedural guarantees appropriate to their ages. It also regrets the failure to fully implement the 1992 Children's Act which calls for the establishment of an independent juvenile court (art. 14).

The State party should raise the minimum age of criminal responsibility to an acceptable level under international standards, and establish an independent juvenile court to take into account their age and the desirability of promoting their rehabilitation.

Trafficking and bonded labour

(18) The Committee expresses concern at the lack of effective implementation of the Human Trafficking and Transportation (Control) Act of 2007, and the persistence of trafficking for purposes of sexual exploitation, forced labour, bonded labour, domestic servitude and marriage, as well as trafficking in human organs. It is also concerned at the alleged involvement of State officials in trafficking-related crimes. The Committee is further concerned that child labour and traditional practices of bonded labour such as Haliya, Kamaiya and Kamlari are still prevalent in some regions of the State party (arts. 8 and 24).

The State party should strengthen its efforts to prevent, suppress and punish trafficking in persons, trafficking in human organs and bonded labour, including the establishment of a system of data collection and analysis to identify trends and implement effective strategies, and adoption of measures aimed at empowering vulnerable groups to eliminate their risk of exploitation. It should also ensure the effective implementation of the Human Trafficking and Transportation (Control) Act of 2007, prosecute and sanction perpetrators, including State officials complicit in trafficking-related crimes, and provide victims with adequate protection and assistance.

Freedom of expression

(19) The Committee expresses concern at vague and overbroad restrictions to the right to freedom of expression under article 12 of the Interim Constitution, and at reports that journalists and human rights defenders are subjected to physical attacks, death threats, harassment and reprisals by security forces, police, armed groups and youth wings of political parties (art. 19).

The State party should guarantee, in law and in practice, the right to freedom of expression to all individuals, including non-citizens, and ensure that any restriction to the right is in compliance with the restrictions as set out in article 19, paragraph 3 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. It should also investigate all cases of threats and attacks against journalists and human rights defenders, hold the perpetrators accountable, and provide effective remedies to victims.

Birth registration and nationality

(20) The Committee, while appreciating efforts made thus far, expresses concern at the low number of birth registrations, particularly in rural areas, and at difficulties faced by women in the registration process. It also regrets that the current legislation does not provide for the granting of nationality to children born in the territory who would otherwise be stateless. Moreover, while welcoming the launch of national distribution campaigns, the Committee is concerned that more than 4 million persons still lack citizenship certificates, which is essential for the enjoyment of rights guaranteed in the Covenant, including the right to vote. It is also concerned that women are denied equal rights as men with respect to acquiring and conferring nationality (arts. 3, 16, 24, 25 and 26).

The State party should amend the Birth, Death and Other Personal Incidents Registration Act to ensure the birth registration of all children born on its territory, and establish an efficient birth registration system that is free of charge at all stages. It should also continue to strengthen efforts to remove barriers, particularly for women and those living in rural areas, to access citizenship certificates and birth registrations. The State party should ensure that citizenship provisions of the new Constitution guarantee the equal right of women to acquire, transfer and retain citizenship.

(21) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 5, 7 and 10 above.

(22) The Committee requests the State party, in its next periodic report, due to be submitted on 28 March 2018, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

135. Kyrgyzstan

(1) The Committee considered the second periodic report submitted by Kyrgyzstan (CCPR/C/C/KGZ/2) at its 3038th and 3039th meetings (CCPR/C/SR.3038 and 3039), held on 10 and 11 March 2014. At its 3060th meeting (CCPR/C/SR.3060), held on 25 March 2014, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the second periodic report of Kyrgyzstan and the information presented therein, although the report was due since 2004. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken by the State party during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/KGZ/Q/2/Add.1) to the list of issues, submitted in one of the State party's official languages, together with a translation into a working language of the Committee, which were supplemented by the oral responses provided by the delegation during the dialogue and the additional information provided in writing.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) Adoption of Act No. 91 of 25 June 2007, providing for the abolition of the death penalty;

(b) Adoption of the Constitution on 27 June 2010, which contains provisions on the protection of human rights, including the rights stipulated in the Covenant, and on the implementation of findings of international human rights bodies (art. 41 (2) of the Constitution);

(c) Establishment of the Human Rights Coordination Council further to the Government resolution of 18 November 2013, mandated to enforce implementation of international human rights obligations.

(4) The Committee welcomes the ratification by the State party of the following international instruments:

(a) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 6 December 2010;

(b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 22 July 2002;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 12 February 2003, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 13 August 2003;

(d) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 29 September 2003;

(e) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, on 29 December 2008.

C. Principal matters of concern and recommendations

Applicability of the Covenant in domestic courts

(5) The Committee notes that according to article 6 (3) of the Constitution of the Kyrgyz Republic, international human rights treaties are part of the domestic law. However, it regrets the lack of evidence that domestic courts apply the provisions of the Covenant (art. 2).

The State party should take appropriate measures to raise awareness among judges, lawyers and prosecutors about the Covenant and the direct applicability of its provisions in domestic law, so as to ensure that they are taken into account before domestic courts. The State party should include detailed examples of the application of the Covenant by the domestic courts in its next periodic report.

Implementation of the Views of the Committee

(6) While welcoming article 41 (2) of the State party's Constitution, which stipulates the obligation to take measures to restore victims' rights and provide compensation in cases where violations are found by international treaty bodies, the Committee is concerned about the failure to implement the Views adopted by the Committee in relation to the State party, and about allegations that asylum seekers continue to be returned to their home countries notwithstanding the Committee's Views on the matter. Despite the information provided during the dialogue, the Committee regrets the lack of clarity on the role of the newly established Human Rights Coordination Council with respect to the implementation of the Committee's Views (art. 2).

The State party should take all necessary measures to ensure the full implementation of the Views adopted by the Committee in relation to the State party. The Human Rights Coordination Council should also be mandated with monitoring the implementation of the Committee's Views and should address this issue as a matter of urgency.

National human rights institution

(7) The Committee is concerned about the insufficient guarantees of independence of the Office of the Ombudsman (*Akyikatchy*). The Committee welcomes the State party's efforts to amend the Law on the Ombudsman to ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex) (art. 2).

The State party should expeditiously bring the mandate of the Ombudsman (*Akyikatchy*) into full compliance with the Paris Principles and provide it with the necessary financial and human resources to ensure that it can effectively and independently implement its mandate.

Non-discrimination and equality

(8) The Committee remains concerned about a lack of comprehensive anti-discrimination legislation prohibiting discrimination on grounds such as race, language, disability and ethnic origin, and about the lack of disciplinary sanctions for State officials acting in a discriminatory manner (arts. 2 and 26).

The State party should review its domestic legislation and bring it into line with the principle of non-discrimination to ensure that it includes a comprehensive prohibition of discrimination on all the grounds set out in the Covenant. The State party should also ensure that reliable and public data is systematically collected on cases of discrimination and their treatment by the competent judicial authorities.

(9) The Committee is concerned about reports of violence against lesbian, gay, bisexual and transgender (LGBT) persons by both State and non-State actors, and the failure on the part of the State party to address such violence (arts. 2 and 26).

The State party should ensure that violence against LGBT persons is thoroughly investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated and protected against reprisals.

State of emergency

(10) The Committee regrets the lack of information on the progress made to review the legislation governing states of emergency to bring it into compliance with article 4 of the Covenant, in particular concerning the power of derogation from specific Covenant provisions (CCPR/CO/69/KGZ, para. 12). The Committee is concerned about reports that the state of emergency imposed in 2010 did not complying with the safeguards of article 4 of the Covenant, including failure to take measures to protect certain non-derogable rights, such as the right to life and prohibition of torture (arts. 4, 6 and 7).

The State party should ensure that its legislation on states of emergency and application thereof are fully compatible with the provisions of article 4 of the Covenant.

Violence against women

(11) While welcoming the adoption of measures to combat violence against women, the Committee notes with regret continuing reports of acts of violence against women, including bride kidnapping, spousal rape and domestic violence. The Committee is concerned that violence against women remain underreported and that domestic violence is accepted by the society at large (arts. 2, 3 and 7).

The State party should adopt a comprehensive approach to prevent and address all forms of violence against women, including bride kidnapping, spousal rape and domestic violence and:

(a) Reinforce training of police on preventing and combating violence against women, especially bride kidnapping, spousal rape and other acts of domestic violence;

(b) Guarantee that cases of violence against women are thoroughly investigated, that the perpetrators are brought to justice and, if convicted, punished with commensurate sanctions, and that victims are adequately compensated;

(c) Ensure the availability of a sufficient number of adequately resourced shelters;

(d) Launch awareness-raising campaigns among men and women on the adverse impact of violence on women.

Trafficking in persons

(12) The Committee is concerned that the State party still lacks proper identification and referral mechanisms for victims of trafficking in persons and that the law enforcement authorities and other officials lack capacity with regard to working with victims. The Committee is also concerned about allegations of trafficking in newborns and lack of regulation concerning adoption (arts. 3, 8 and 24).

The State party should continue its efforts to prevent and eradicate trafficking in persons, including by effectively implementing the relevant legislation and harmonizing the child adoption legislation with the requirements of international law.

It should also establish proper mechanisms for identifying victims of trafficking and referring them to appropriate services, and continue training law enforcement officials and other relevant professionals on identification and assistance to victims of trafficking.

Antiterrorism measures

(13) The Committee regrets the lack of information on the content and application of the State party's legislation to combat terrorism. The Committee is concerned at reports of excessive use of lethal force during special operations and failure on the part of the State party to provide information on the applicable legal rules restricting the use of lethal force to a strictly necessary extent (art. 6).

The State party should ensure, as a matter of urgency that its antiterrorism legislation and its application thereof, especially the use of force, is in conformity with the provisions of the Covenant, particularly with respect to the right to life. The State party should promptly investigate allegations of excessive use of force by the special services, prosecute perpetrators and provide compensation to victims' families.

Inter-ethnic violence

(14) While noting information provided during the dialogue, the Committee is concerned about reports concerning failure on the part of the State party to investigate fully, effectively and without discrimination, human rights violations committed during and in the aftermath of the June 2010 ethnic conflict in the south of Kyrgyzstan, including allegations of torture and ill-treatment, serious breaches of fair trial standards during court proceedings, including attacks on lawyers defending ethnic Uzbeks, and discrimination in access to justice based on ethnicity. The Committee is also concerned that the causes of this conflict were not fully addressed by the State party and may continue to persist (arts. 2, 7, 9, 14, 26 and 27).

The State party should take effective measures to ensure that all alleged human rights violations related to the 2010 ethnic conflict are fully and impartially investigated, that those responsible are prosecuted, and that victims are compensated without any discrimination based on ethnicity. The State party should urgently strengthen its efforts to address the root causes of obstacles to the peaceful coexistence between different ethnic groups on its territory and to promote ethnic tolerance and mutual trust.

Torture and ill-treatment

(15) While welcoming legislative and administrative measures aimed at the prevention and eradication of torture, including amendments to the Criminal Code, the Committee remains concerned about the ongoing and widespread practice of torture and ill-treatment of persons deprived of their liberty for the purpose of extracting confessions, particularly in police custody; the number of deaths in custody and the fact that none of the cases reported to the Committee led to any conviction; the State party's failure to conduct prompt, impartial and full investigation of deaths in custody; and the lack of prosecution and punishment of perpetrators of torture and ill-treatment and compensation of victims. The Committee also remains concerned about allegations of torture and miscarriages of justice in the case of Azimjan Askarov (arts. 6, 7 and 10).

The State party should urgently strengthen its efforts to take measures to prevent acts of torture and ill-treatment and ensure prompt and impartial investigation of complaints of torture or ill-treatment, including the case of Azimjan Askarov; initiate criminal proceedings against perpetrators; impose appropriate sentences on those convicted and provide compensation for victims. The State party should take measures to ensure that no evidence obtained through torture is allowed to be used in

court. The State party should also expedite operationalization of the National Centre for the Prevention of Torture through providing the necessary resources to enable it to fulfil its mandate independently and effectively.

Liberty and security of person

(16) The Committee is concerned about the lack of implementation of basic safeguards to all persons deprived of their liberty, including failure to register all detainees immediately upon apprehension; the lack of access to a lawyer of their choice; the lack of a medical examination immediately after their apprehension and the lack of access to medical assistance (arts. 9 and 14).

The State party should ensure registration of all detainees immediately following their apprehension in the central register, a medical examination and access to a lawyer of their choice as well as access to medical assistance.

Conditions of detention

(17) The Committee is concerned about extremely harsh conditions in places of deprivation of liberty, including overcrowding, lack of hygiene and insufficient food and drinking water (art. 10).

The State party should strengthen its efforts to improve conditions of detention to bring them into line with the provisions of article 10 of the Covenant.

Independence of the judiciary

(18) While welcoming efforts aimed at strengthening the judiciary, the Committee is concerned about the lack of full independence of the judiciary, including in the process of the selection and dismissal of judges; potential influence of the executive power on the Council for the Selection of Judges and reports of corruption in the judiciary (art. 14).

The State party should pursue judicial reforms to ensure a fully independent and impartial judiciary, including the establishment of objective and transparent criteria for the selection and dismissal of judges in accordance with international standards, notably the Basic Principles on the Independence of the Judiciary (1985).

Elders' court

(19) The Committee remains concerned that the functioning of the Elders' (*aksakals*) courts may jeopardize the right to fair trial, in particular due to the fact that decisions are taken by persons who do not have legal knowledge, on the basis of cultural and moral norms, and that decisions in family matters may adversely affect women (arts. 2, 3 and 14).

The State party should ensure that the Elders' courts function in full compliance with provisions of the Covenant, in particular the safeguard of fair trial guarantees and non-discrimination, and that their members are provided with training on the rights protected under the Covenant.

Military courts

(20) The Committee is concerned that military courts continue to exercise jurisdiction in criminal cases where military personnel and civilians are jointly accused (art. 14).

The State party should without further delay remove the power to exercise jurisdiction over civilians from military courts.

Corporal punishment

(21) While noting that violence against children and corporal punishment is legally prohibited in schools and some institutional settings, the Committee remains concerned that

corporal punishment continues, especially in the home, where it is traditionally accepted and practised as a form of discipline by parents and guardians (arts. 7 and 24).

The State party should take practical steps, including through legislative measures, where appropriate, to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

Freedom of conscience and religious belief

(22) While noting the planned amendments to the 2008 Law on Freedom of Conscience and Religious Organizations in the Kyrgyz Republic, the Committee is concerned about the restrictions in the current law that are incompatible with provisions of the Covenant, including with respect to missionary activities, the registration procedure and dissemination of religious literature. The Committee is also concerned about reports of religious intolerance with respect to converts from the majority religion, including incidents of hate speech (arts. 18, 19, 26 and 27).

The State party should ensure that the legislative amendments to the 2008 Law on Freedom of Conscience and Religious Organizations in the Kyrgyz Republic remove all restrictions that are incompatible with article 18 of the Covenant, by providing for a transparent, open and fair registration process for religious organizations and eliminating distinctions among religions that may lead to discrimination. The State party should take measures, including through public statements and awareness-raising campaigns, to promote religious tolerance and condemn any act of religious intolerance and hatred. The State party should also investigate all cases of violence based on religion, prosecute perpetrators and compensate victims.

The right to conscientious objection

(23) The Committee reiterates its previous concerns (CCPR/CO/69/KGZ, para. 18) about the limiting of conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms and the stipulation of a shorter period of military and alternative service for persons with higher education. The Committee notes the State party's initiative to amend the Law on Universal Conscription of Citizens of the Kyrgyz Republic on Military and Alternative Service (arts. 2, 18 and 26).

The State party should ensure that amendments to the Law on Universal Conscription of Citizens of the Kyrgyz Republic, on Military and Alternative Service provide for conscientious objections in a manner consistent with articles 18 and 26 of the Covenant, bearing in mind that article 18 also protects freedom of conscience of non-believers. It should also stipulate periods of military and alternative service on a non-discriminatory basis.

Freedom of expression

(24) The Committee expresses concern at reports of persecution of human rights defenders, journalists and other individuals for expressing their opinion, in particular opinions that are critical of State institutions in relation to the June 2010 events. The Committee is also concerned about reports of pressure on individuals and organizations that have provided information to the Committee (art. 19).

The State party should ensure that journalists, human rights defenders and other individuals are able to freely exercise their right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Furthermore, the State party should ensure that threats, intimidation and violence against human rights defenders

and journalists are investigated, that perpetrators are prosecuted and punished, if convicted, and that victims are provided with compensation. The State party should ensure that all individuals or organizations can freely provide information to the Committee and should protect them against any reprisals for providing such information.

Freedom of association

(25) The Committee notes reports of possible restrictions on non-governmental organizations in several legislative proposals, including restrictive reporting obligations to State authorities in the draft bill on Fighting against Legalization (Laundering) of Criminal Revenue and Financing Terrorist or Extremist Activity (arts. 2, 22 and 26).

The State party should ensure freedom of association, in accordance with article 22 of the Covenant, and refrain from imposing disproportionate or discriminatory restrictions on the freedom of association.

Birth registration

(26) The Committee is concerned at the absence of a birth registration system for newborns in the provinces of Osh and Jalal-Abad, as well as at the difficulties encountered by women who do not have a passport in registering their newborn children (art. 24).

The State party should ensure that every child is registered immediately after birth, and take measures, including awareness-raising, to facilitate the registration process with regard to children of parents who may have particular difficulties providing the necessary identification documents.

Minority rights

(27) While noting the State party's efforts to integrate minorities into political and public life, the Committee remains concerned about the low level of representation of minorities in political and public institutions, at both the national and local levels. The Committee is concerned at reports that several schools have changed the language of instruction from the minority language to Kyrgyz, and that some of the Uzbek-language media were closed, including two independent Osh-based Uzbek-language television stations, Mezon TV and Osh TV, following the June 2010 events (art. 27).

The State party should strengthen its efforts to ensure representation of minorities in political and public bodies at all levels, including the judiciary and law enforcement, to facilitate education in minority languages for children belonging to minority ethnic groups and promote the use of minority languages in the media, including by restoring Uzbek-language television stations.

Dissemination of information relating to the Covenant and the Optional Protocols

(28) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of its second periodic report, the written replies to the list of issues drawn up by the Committee, and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the other official language of the State party (art. 2).

(29) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 14, 15 and 24 above.

(30) The Committee requests the State party to provide in its next periodic report, due to be submitted on 28 March 2018, specific, up-to-date information on all its

recommendations and on the Covenant as a whole. The Committee also requests the State party, when preparing its next periodic report, to broadly consult with civil society and non-governmental organizations operating in the country.

136. Chad

(1) The Committee considered the second periodic report of Chad (CCPR/C/TCD/2) at its 3048th and 3049th meetings (CCPR/C/SR.3048 and 3049), held on 17 and 18 March 2014. At its 3061st meeting (CCPR/C/SR.3061), held on 26 March 2014, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the second periodic report of Chad, which was submitted in a timely fashion, and the information presented therein. It expresses appreciation for the high level of the State party's delegation and the dialogue it had with the Committee on the implementation of the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/TCD/Q/2/Add.1) to the list of issues (CCPR/C/TCD/Q/2), which were supplemented by the oral responses provided by the delegation during the dialogue.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party since the consideration of its initial report in 2009:

(a) The adoption in 2009 of Act No. 006/PR/2009 amending Organic Act No. 024/PR/2006 of 21 June 2006 and Organic Act No. 19/PR/98 of 2 November 1998 on the organization and operation of the Constitutional Council;

(b) The adoption in 2009 of Act No. 032/PR/2009 establishing a National Institute of Judicial Training;

(c) The adoption in 2009 of Act No. 019/PR/2009 on the Political Parties Charter;

(d) The adoption in 2009 of Act No. 020/PR/2009 on the status of political opposition in Chad; and

(e) The signing in 2011 of Ministerial Decree No. 3912/PR/PM/MDHLF/2011 on the establishment of a committee to monitor the implementation of international human rights instruments.

4. The Committee welcomes the ratification by the State party, in 2010, of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

C. Principal matters of concern and recommendations

Incorporation of the Covenant into national law and applicability of the Covenant in domestic courts

(5) While noting that article 222 of the Constitution provides for the primacy of international instruments ratified and promulgated by the State party over domestic laws, the Committee is concerned that the provisions of the Covenant have not yet been directly invoked or applied by domestic courts (art. 2).

The State party should ensure that all the provisions set out in the Covenant are given full effect in its domestic legal order. The State party should take the necessary measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account before and by domestic courts.

National Human Rights Commission

(6) The Committee is concerned that the State party has still not taken the necessary measures to ensure the independence of the National Human Rights Commission, to strengthen its mandate and to grant it an autonomous budget with sufficient resources of its own, in accordance with the Paris Principles (art. 2).

The State party should expedite the process to adopt the bill to reform the National Human Rights Commission to bring it into full compliance with the Paris Principles. The Committee encourages the State party to continue its collaboration with the Office of the United Nations High Commissioner for Human Rights in this regard; that cannot, however, be regarded as a valid reason for delaying the reform.

Non-discrimination and equality between men and women

(7) The Committee is concerned about the absence, in the State party's legislation, of a definition of discrimination and of penalties that may be imposed by courts (art. 2).

The State party should take the necessary measures to incorporate into its legislation a definition of discrimination and of penalties that may be imposed by courts.

(8) The Committee is concerned about the persistence of traditional stereotypes which are detrimental to the dignity of women, resulting from their subordination within the family and society. Thus, the Committee notes with concern the existence of customary and religious laws which permit practices such as polygamy, repudiation and early and forced marriage. It is also concerned about the unequal treatment of men and women in the area of inheritance and marital regimes. Lastly, the Committee is concerned that the draft Personal and Family Code, which has been under consideration for 20 years, has still not been adopted (arts. 2, 3, 23 and 26).

The State party should expedite the adoption of the Personal and Family Code and ensure its full compliance with the Covenant by repealing or amending those provisions that are inconsistent with the Covenant, in particular in the area of inheritance and marital regimes. It should abolish polygamy and the right of repudiation and consider measures to be taken to prevent those practices. In addition, it should organize awareness-raising programmes and campaigns among women, local chiefs and religious leaders to change traditional attitudes detrimental to women's enjoyment of their human rights.

Female genital mutilation

(9) The Committee is concerned about the continuing practice of female genital mutilation (FGM) despite the measures taken by the State party, including the adoption of Act No. 06/PR/2002 of 15 April 2002. The Committee is further concerned about the lack of information on the penalties imposed on those responsible for this practice pursuant to the Act, and on the impact of the awareness-raising campaigns conducted among affected populations (arts. 2, 3, 7 and 26).

The State party should increase its efforts to end the harmful practice of female genital mutilation by stepping up its targeted awareness-raising and information programmes and by applying its relevant legislation effectively.

Domestic violence

(10) The Committee notes with concern the persistence of domestic violence in the State party despite the adoption of Act No. 06/PR/2002 of 15 April 2002 and of the Criminal Code, and it regrets that the State party has not yet issued the decree implementing this law. The Committee is also concerned about the lack of information on the application of relevant legislation and the impact of its awareness-raising campaigns on this subject. The

Committee expresses its concern about the lack of social assistance services and shelters for victims of domestic violence, in particular residential facilities, and the lack of information on complaints filed, investigations, prosecutions and convictions, and on penalties imposed on the perpetrators of domestic violence (arts. 3, 7 and 26).

The State party should ensure the effective application of its 2002 legislation and the Criminal Code. It should facilitate complaints relating to domestic violence and protect women from any reprisals and social disapproval. It should guarantee that cases of domestic violence are thoroughly investigated and that the perpetrators are brought to justice. The State party should also ensure that law enforcement officials are provided with appropriate training to deal with domestic violence and that sufficient, adequately resourced shelters are available. The State party should further organize awareness-raising campaigns for men and women on the adverse effects of violence against women and on the enjoyment of their basic human rights.

Death penalty

(11) The Committee is concerned about reports that the death penalty continues to be imposed despite the moratorium (art. 6).

The State party should consider abolishing the death penalty as part of the revision of the Criminal Code and acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, to mark the Protocol's twenty-fifth anniversary.

Extrajudicial executions

(12) The Committee is concerned about allegations of further extrajudicial executions in the State party, in respect of which investigations have not yet resulted in the prosecution, conviction and sentencing of those responsible (arts. 6 and 14).

The State party should take all necessary and effective measures to conduct prompt and effective investigations in order to identify the perpetrators of those extrajudicial executions, prosecute them and impose appropriate penalties.

Enforced disappearance

(13) The Committee is concerned that the judicial inquiry opened by the examining judge into allegations of enforced disappearances during the events of February 2008, in particular the case of Ibni Oumar Mahamat Saleh, and which the Committee addressed in its previous concluding observations, has resulted in a decision not to pursue those allegations and has not led to the identification of the perpetrators of those violations with a view to their prosecution.

The State party should pursue investigations into enforced disappearances, bearing in mind the nature of this crime, and identify the perpetrators with a view to prosecuting them and bringing them to justice, including members of the police and security forces. The State party should also take all necessary measures to prevent cases of enforced disappearance in its territory and avoid impunity for the perpetrators.

Prohibition of torture and ill-treatment

(14) The Committee is concerned at reports that torture is commonly practised by police, defence and security forces, using particularly brutal and cruel methods. It is also concerned at the lack of information on complaints, investigations, prosecutions, convictions, penalties imposed on perpetrators, compensation awarded to victims and measures taken for their rehabilitation. The Committee is further concerned at the lack of an independent mechanism to receive and investigate complaints regarding allegations of torture by police and defence forces. The Committee notes with regret that the draft Criminal Code defining

torture has not been adopted, thus making it impossible for courts in the State party to prosecute acts of torture in an appropriate manner (arts. 7 and 14).

The State party should ensure that torture is prevented in its territory, that allegations of torture and ill-treatment are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and that the victims are adequately compensated and offered rehabilitation. It should establish an independent mechanism to investigate complaints of torture and ill-treatment by members of the police and security forces. In this connection, it should also ensure that law enforcement officials continue to receive training on investigating torture and ill-treatment by integrating the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1999) in all training programmes for them. Lastly, it should expedite the adoption of the draft Criminal Code, ensure the Code's compliance with the provisions of the Covenant and guarantee its effective implementation.

Corporal punishment

(15) The Committee is concerned that corporal punishment is still practised in some Koranic schools, despite the provisions of article 113 of Act No. 16/2006 of 13 March 2006, which prohibit physical abuse and any other form of violence or humiliation against pupils and students, and that it is tolerated in the home, where it is traditionally practised (arts. 7 and 24).

The State party should guarantee the effective implementation of Act No. 16/2006 of 13 March 2006 and take other practical steps to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment and conduct public information campaigns to raise awareness of the harmful effects of violence of this kind.

Police custody, pretrial detention and basic legal guarantees

(16) The Committee is concerned about the lack of awareness in police and gendarmerie stations of the 48-hour limit for police custody established in article 221 of the current Code of Criminal Procedure, which leads to prolonged periods of detention in police custody. The Committee is also concerned at the fact that the current Code of Criminal Procedure does not establish a limit for pretrial detention regardless of the offence, leading to a large number of persons being held in pretrial detention for excessive and unreasonable periods of time. Lastly, it is concerned that basic legal guarantees, particularly the rights of access to a lawyer and doctor, to communicate with family members and to be brought promptly before a judge, are often not respected (arts. 9, 10 and 14).

The State party should ensure that police and gendarmerie officers effectively implement the provisions of the current Code of Criminal Procedure relating to the length of police custody. It should also revise its legislation, particularly the new draft Code of Criminal Procedure, in order to establish a specific limit for pretrial detention and guarantee its implementation with the aim of avoiding excessive and unreasonable periods of pretrial detention. It should take urgent measures to remedy the situation of persons who have been in pretrial detention for many years. The State party should systematically guarantee access to a lawyer, doctor and family members to persons held in custody or pretrial detention and ensure that they are brought promptly before a judge.

(17) While noting that the State party's delegation has undertaken to resolve the situation of Khadidja Ousmane Mahamat, and despite the recommendation to the State party in its previous concluding observations, the Committee regrets that the young woman, Ms. Khadidja, is still in pretrial detention. The Committee is alarmed at reports that, imprisoned

since 2004, with no decision having yet been handed down in her case, she has given birth to another child, and that the perpetrator of the first rape from which she bore a first child has still not been prosecuted or tried (arts. 2, 7, 9, 14 and 24).

The State party should urgently order the immediate release of the young woman, Ms. Khadidja Ousmane Mahamat, in accordance with article 9 of the Covenant, and take appropriate steps to provide her with the necessary assistance, including rehabilitation measures. It should also prosecute the perpetrator of the abuse that she suffered, try him and sentence him, imposing appropriate penalties.

Conditions of detention

(18) The Committee notes with concern that conditions of detention remain inadequate in the State party's prisons, particularly in respect of prison overcrowding. The Committee regrets that the decree implementing Ordinance No. 032/PR/2011 of 4 October 2011 on the prison system has not yet been issued. It is concerned at reports of a lack of hygiene and the poor and inconsistent quality of the food served to prisoners. The Committee is concerned that families have difficulty visiting prisoners. It is also concerned that there is no separation of detainees according to their age and detention regime. It regrets the lack of an adequate mechanism to handle complaints from prisoners effectively (arts. 9 and 10).

The State party should strengthen its efforts to improve the living conditions and treatment of detainees and address the problem of overcrowding in line with the Standard Minimum Rules for the Treatment of Prisoners. The State party should ensure the effectiveness of a confidential mechanism for receiving and processing complaints lodged by detainees and include information thereon in its next periodic report, in addition to data on the prison population. It should take the necessary measures to separate detainees according to their age and detention regime. The State party should issue a decree implementing Ordinance No. 032/PR/2011 of 4 October 2011 on the prison system and ensure that the inspection committees established for places of detention function effectively and regularly and have the necessary resources to fulfil their mandate.

Functioning of the judiciary and fair trial

(19) The Committee notes the measures taken to combat corruption in the judiciary and to improve access to justice, including the improved working conditions for judges, the increased number of judges and the establishment of a judicial training school and the Directorate for Access to Law. It is concerned, however, about reports of the executive branch attempting to interfere with the functioning of the judiciary. The Committee is also concerned that not all persons subject to the law have effective access to justice, and that not all fair criminal trial guarantees are available, particularly access to legal counsel during the various stages of judicial proceedings, as well as legal aid (art. 14).

The State party should take all necessary measures to guarantee the independence of the judiciary. It should also strengthen measures to improve access to justice and ensure that everyone is afforded all legal safeguards in law and in practice, including the right to be assisted by a lawyer or counsel. In addition, it should provide favourable conditions for a fair criminal trial. It should also provide the Directorate for Access to Law and its branch offices with the necessary means to ensure legal aid for all.

Freedoms of expression, assembly and association

(20) The Committee is concerned about: (a) restrictions placed on freedom of expression in the State party, particularly the freedom of the press, by, inter alia, suspending or closing certain newspapers. It is also concerned about the continued inclusion of press offences in Act No. 17/PR/2010 of 13 August 2010 on the press regime in Chad, whose

implementation has led to some journalists being prosecuted and given prison sentences; (b) reports of widespread threats against, and harassment and intimidation of, human rights defenders and journalists by the police and security forces; (c) reports of numerous obstacles faced by many human rights defenders in exercising the freedom to demonstrate (arts. 19, 21 and 22).

In the light of general comment No. 34 (2011) on freedoms of opinion and expression, the State party should review its legislation to ensure that any restriction on press and media activities is in strict compliance with article 19, paragraph 3, of the Covenant. In particular, it should review its legislation and consider repealing the provisions establishing press offences and prison sentences for the media. It should also take the necessary measures to ensure that journalists and human rights defenders are protected from threats and intimidation and give them the freedom they need to do their work, and it should investigate, prosecute and sentence those who threaten, harass or intimidate them.

Refugees and displaced persons

(21) The Committee is concerned about cases of violence against women refugees and displaced women and about the difficulties in gaining access to justice faced by refugees and displaced persons living in camps. It regrets the lack of information on judicial action taken in cases of violence. The Committee is also concerned about the fact that many children born to refugees receive a "declaration of birth" rather than a proper, official birth certificate. Lastly, the Committee is concerned about the fact that the process of determining refugee status has shortcomings regarding the reliability of the information, the lack of proper training for the members of the National Commission for the Reintegration of Refugees and Returnees (CNARR) and the lack of necessary human resources within the Subcommittee on Eligibility. In addition, the Committee regrets that the Subcommittee on Appeals ceased to operate in 2011 (arts. 2, 7 and 24).

The State party should:

(a) Continue to strengthen measures to prevent and protect against sexual violence and gender-based violence targeting women refugees and displaced women living in camps; foster access to justice for them, including through mobile courts; and prosecute persons responsible for such acts;

(b) Continue to conduct birth registration campaigns in refugee camps and issue a birth certificate to every newborn child of refugee parents;

(c) Strengthen the National Commission for the Reintegration of Refugees and Returnees (CNARR) by providing it with well-trained staff in sufficient numbers to process asylum applications in an efficient and equitable manner, and reinstitute its Subcommittee on Appeals;

(d) Expedite the adoption of the bill incorporating into national law the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Situation of children

(22) The Committee is concerned that the lack of clarity concerning the minimum age for marriage in the State party's law and practice encourages early marriage, which is widespread in certain regions of the country. While noting the efforts made to eliminate the recruitment of children into the Armed Forces and to reintegrate them into society, the Committee is concerned that some child soldiers have not yet been identified and reintegrated (art. 24).

The State party should clarify its legislation by including a minimum age for marriage for boys and girls in accordance with international norms, particularly in the future Personal and Family Code, and should resolutely combat early marriage. The State party should reactivate its programme to demobilize children from the Armed Forces and armed groups and continue to integrate them into society.

Human trafficking

(23) The Committee notes with concern that human trafficking is still practised in the State party and regrets the lack of specific information on the extent of the problem, on the implementation and results of the national plan of action for 2012–2015 to combat the worst forms of child labour, trafficking and exploitation, and on prosecutions and convictions of traffickers. The Committee is also concerned about the situation of child herders (art. 8).

The State party should continue its efforts to train the relevant officials to apply human trafficking legislation. It should also step up efforts to ensure that all perpetrators of human trafficking are brought to justice, and take the necessary steps to ensure that victims are adequately compensated. Lastly, it should continue its awareness-raising campaigns on child herders and reintegrate them into society.

(24) The State party should widely disseminate the text of the Covenant, the two Optional Protocols thereto, the second periodic report, the written replies to the list of issues drawn up by the Committee and the present concluding observations, with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and NGOs operating in Chad, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official and local languages of the State party. The Committee also requests that the State party, when preparing its third periodic report, broadly consult with civil society and NGOs.

(25) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, information on its implementation of the recommendations made in paragraphs 5, 10, 13 and 16.

(26) The Committee requests that the State party, in its next periodic report, due by 28 March 2018, provide specific, up-to-date information on its implementation of the other recommendations and of the Covenant as a whole.

137. Latvia

(1) The Committee considered the third periodic report submitted by Latvia (CCPR/C/LVA/3) at its 3042nd and 3043rd meetings (CCPR/C/SR.3042 and CCPR/C/SR.3043), held on 12 and 13 March 2014. At its 3060th meeting (CCPR/C/SR.3060), held on 25 March 2014, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the third periodic report of Latvia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the high-level delegation of the State party on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/LVA/Q/3/Add.1) to the list of issues (CCPR/C/LVA/Q/3), which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

(3) The Committee welcomes the adoption of the following legislative and institutional measures by the State party:

(a) The amendments to the Law on the Procedures for the Coming into Force and Application of the Criminal Law, which introduced a separate definition of torture, in 2009;

(b) The amendments to the Law on Medical Treatment, to clarify, inter alia, the criteria for the admission to psychiatric hospitals, on 8 November 2007, and the institutional reforms to enhance outpatient care, in 2009;

(c) The amendments to the Asylum Law, which adjusted the mandate of the State Border Guard and the Office of Citizenship and Migration Affairs in dealing with asylum applications, which entered into force on 21 November 2013;

(d) The National Strategy for the Prevention of Human Trafficking 2014–2020, on 14 January 2014.

(4) The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict on 19 December 2005, and on the sale of children, child prostitution and child pornography on 22 February 2006;

(b) The Convention on the Rights of Persons with Disabilities on 1 March 2010;

(c) The Optional Protocol to the Convention on the Rights of Persons with Disabilities on 31 August 2010;

(d) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 19 April 2013.

C. Principal matters of concern and recommendations

Ombudsman's Office

(5) The Committee is concerned that the budget cuts have had a negative effect on the capacity of the Ombudsman's Office to exercise its mandate effectively (art. 2).

The State party should provide the Ombudsman's Office with adequate financial and human resources, in order to exercise its mandate in line with the Paris Principles (General Assembly resolution 48/134, annex), and finalize an application for accreditation of the Ombudsman's Office with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

Gender equality

(6) While welcoming measures taken by the State party to reduce gender inequality, such as the adoption of the Gender Equality Action Plan 2012–2014, the Committee is concerned at the persistence of a wage gap between men and women of 13–17 per cent in the private sector and at the high unemployment rate of women (arts. 2, 3 and 26).

The State party should:

(a) Adopt concrete measures to ensure that women enjoy equal pay for work of equal value and address the sources of the limited effectiveness of legislation on equal remuneration;

(b) Ensure the equal access of women and men to freely chosen occupations.

Non-discrimination of "non-citizen" residents and linguistic minorities

(7) The Committee remains concerned at the status of "non-citizen" residents and the situation of linguistic minorities. In particular, it is concerned about the impact of the State language policy on the enjoyment of the rights in the Covenant, without any discrimination, by members of linguistic minorities, including the right to choose and change one's own name and the right to an effective remedy. The Committee is further concerned at the discriminatory effects of the language proficiency requirement on the employment and work of minority groups (arts. 2, 26 and 27).

The State party should enhance its efforts to ensure the full enjoyment of the rights in the Covenant by "non-citizen" residents and members of linguistic minorities, and further facilitate their integration into society. The State party should review the State Language Law and its application, in order to ensure that any restriction on the rights of non-Latvian speakers is reasonable, proportionate and non-discriminatory, and take measures to ensure access by non-Latvian speakers to public institutions and facilitate their communication with public authorities. The State party should also consider offering more Latvian language courses free of charge to "non-citizen" and stateless persons who wish to apply for Latvian citizenship.

Trafficking in human beings

(8) The Committee is concerned that trafficking in human beings persists in the State party, which also remains a country of origin for trafficking in human beings for sexual and labour exploitation, in particular of young women aged 18–25. The Committee is further concerned at insufficient identification and referral mechanisms, as evidenced by the low figures on identified and possible victims of trafficking and the slow progress in implementing measures against trafficking (arts. 3 and 8).

The State party should:

(a) Enhance proper identification and referral mechanisms and increase training for law enforcement officials and other professionals to improve their capacity to assist victims of trafficking;

(b) Promptly, effectively and impartially investigate, prosecute and punish all acts of trafficking in human beings and other related offences;

(c) Reinforce the mechanisms of support, rehabilitation, protection and redress, including the State-funded social rehabilitation services and assistance in reporting incidents of trafficking to the police, and ensure their availability to all victims of trafficking, as relevant;

(d) Carry out awareness-raising campaigns on the criminal nature of trafficking in human beings.

Violence against women, including domestic violence

(9) The Committee is concerned about insufficient reporting and investigation by the police of cases of violence against women, including domestic violence and rape, the absence of protection measures, in particular restraining orders against perpetrators of domestic violence, and the lack of systematic assistance to the victims of such acts. The Committee also regrets the absence of specific legislation proscribing domestic violence and spousal rape (arts. 3 and 7).

The State party should:

(a) Consider establishing domestic violence and spousal rape as specific crimes in its Criminal Law;

(b) Encourage the reporting by victims of cases of violence against women, including domestic violence and spousal rape;

(c) Ensure that cases of violence against women, including domestic violence and spousal rape, are thoroughly investigated and that the perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and the victims are adequately compensated;

(d) Improve its research and data collection methods in order to establish the magnitude of the problem, its causes and the consequences for women;

(e) Ensure adequate assistance, including psychosocial counselling, and the availability of a sufficient number of adequately resourced shelters.

Right to life

(10) The Committee is concerned about deficiencies in reporting on the results of investigations and prosecutions and the application of appropriate penalties in instances of death in places of detention (including cases of suicide and drug intoxication). The Committee is also concerned about the lack of an independent mechanism for examination of instances of death in psychiatric institutions (art. 6).

The State party should ensure that all instances of death in places of detention are properly investigated and reported. The State party should also ensure that independent reviews and evaluations of the work of the commissions established following a death in a psychiatric institution, which only consist of medical personnel and members of the administration of the hospital concerned, are carried out periodically.

Torture

(11) The Committee is concerned that the penalties for acts of torture, stipulated in several articles of the Criminal Law, do not represent appropriate sanctions for such criminal acts and that acts of torture are subject to a statute of limitations, the duration of which is not commensurate with the gravity of the crime. The Committee is also concerned at reports of inadequate observance of article 7 of the Covenant in the context of extraditions (art. 7).

The State party should:

(a) Include torture as a specific crime in the Criminal Law and stipulate sanctions for acts of torture which are commensurate with the gravity of such offences;

(b) Amend the statute of limitations for acts of torture to be commensurate with the duration of statutory limitations for other crimes of a serious nature under the law of the State party, so that all acts of torture, including attempted acts of torture and complicity and participation in their commission, can be effectively investigated, and as relevant, prosecuted and punished;

(c) Ensure that it complies with the requirements of article 7 of the Covenant when determining the permissibility of extraditions.

Investigation of torture and ill-treatment by law enforcement officers

(12) The Committee notes with satisfaction the intention of the State party to reform the Internal Security Office of the State Police, as well as the Prison Authority; however, it remains concerned that the Internal Security Office of the State Police and the Prison Authority, which are mandated to investigate unlawful conduct by members of the police and prison staff, are not fully independent, as complaints are investigated by a police force

investigator and senior members of the prison authority. The Committee is also concerned at continued reports of instances of physical violence and ill-treatment of detainees by law enforcement personnel and the low numbers of effective investigations and disciplinary sanctions for such acts (arts. 2, 7 and 10).

The State party should:

(a) Take appropriate measures to establish an independent mechanism to carry out investigations of alleged misconduct by police officers and prison staff;

(b) Ensure that law enforcement personnel continue to receive training on the investigation of torture and ill-treatment, on the basis of the Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment);

(c) Ensure that allegations of torture and ill-treatment are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that the victims are adequately compensated;

(d) Safeguard the effectiveness of the complaints mechanisms for reporting cases of ill-treatment and abuse in prisons.

Detention on remand

(13) The Committee is concerned about instances of lengthy detention on remand at the pretrial phase of criminal proceedings, large numbers of detainees on remand, amounting to around 29 per cent of the incarcerated population, and the practice of lengthy police detention for administrative offences. The Committee also regrets the absence of data on the length of pretrial detention on remand and the frequency of its application (arts. 9 and 14).

The State party should take urgent measures to reduce the length and frequency of pretrial detention on remand and devise alternative measures to incarceration; compile reliable data on the length and frequency of pretrial detention; and eliminate the practice of detention for administrative offences from its system of law enforcement.

Asylum seekers

(14) The Committee is concerned about the lack of clear legal grounds, on the basis of which asylum seekers may be placed in detention upon arrival, reports of the protracted detention of asylum seekers, including children, in facilities with poor conditions and obstacles in gaining access to asylum procedures at some border crossings. The Committee is also concerned at the determination of refugee or asylum status through the accelerated procedure. It also regrets reported expulsions of refugees and asylum seekers based on article 3 of the Asylum Law, before an appeal against deportation has been adjudicated, if they are regarded as posing a threat to national security or public order and safety, notwithstanding the possible exposure of those deported to a violation of their rights under article 7 of the Covenant in the country of return (arts. 7, 9, 10 and 13).

The State party should:

(a) Ensure strict respect for the principle of non-refoulement;

(b) Amend the Asylum Law to establish safeguards against the arbitrary detention of asylum seekers and ensure that all persons in need of international protection receive appropriate and fair treatment at all stages and can benefit from procedural safeguards, in particular during the accelerated procedure;

(c) Ensure that decisions on expulsion, return or extradition are dealt with expeditiously, in accordance with the due process of the law, including the suspensive effect of appeals against decisions concerning asylum;

(d) Ensure that the detention of asylum seekers is used only as a measure of last resort, for the shortest possible period, and that such detention is necessary and proportionate in the light of individual circumstances, and avoid detaining minors;

(e) Ensure that living conditions and treatment in all immigration detention centres are in conformity with international standards;

(f) Guarantee access to standardized asylum procedures and establish a referral procedure between the Office of Citizenship and Migration Affairs and the State Border Guard at all border points, in compliance with international norms and standards.

Conditions in police, remand and prison facilities

(15) While acknowledging improvements in certain areas, the Committee is concerned at the substantial number of complaints about poor material conditions in many police, remand and prison facilities, and that a number of deficiencies remain, in particular concerning the insufficient partition of hygienic areas in prison multi-occupancy cells, the prevalence of violence among prisoners and the excessive use of special measures, such as the hand-cuffing of prisoners serving life sentences, without an assessment of their individual circumstances (art. 10).

The State party should:

(a) Guarantee safeguards to inmates in accordance with article 10 of the Covenant;

(b) Take additional steps to improve material conditions, including space, in police, remand and prison facilities;

(c) Provide adequate numbers of supervisory staff to prevent violence among prisoners.

Psychoneurological hospitals and State-run social care centres

(16) The Committee is concerned at the lack of State regulation of the application of compulsory medical treatment, physical restraints and restrictions of the right to privacy in psychoneurological hospitals. The Committee is also concerned at shortcomings in State-run social care centres for adults with mental disabilities, such as the lack of accommodation alternatives and inappropriate activities, and in particular at the application of forced medication in high dosages and the use of isolation wards (arts. 2, 7, 9, 10, 17 and 26).

The State party should:

(a) Review its policy and devise a proper regulatory framework for mental health and social care institutions in order to ensure that any decision to use restraints and coercive force in such institutions be made after a thorough and professional medical assessment that determines the amount of restraint or coercive force to be applied, and that any restrictions be legal, necessary and proportionate to the individual circumstances and include guarantees of an effective remedy;

(b) Ensure that non-consensual use of psychiatric medication, electroconvulsive therapy and other restrictive and coercive practices in mental health services is generally prohibited. Non-consensual psychiatric treatment may only be applied, if at all, in exceptional cases as a measure of last resort, where absolutely

necessary for the benefit of the person concerned, provided that he or she is unable to give consent, for the shortest possible time, without any long-term impact and under independent review;

(c) Promote psychiatric care aimed at preserving the dignity of patients, both adults and minors;

(d) Offer adequate community-based or alternative social care services for persons with psychosocial and mental disabilities to provide less restrictive alternatives to forcible confinement;

(e) Devise a programme of adequate activities and ensure sufficient accommodation space for persons in social care centres;

(f) Ensure an effective and independent monitoring and reporting system for mental and social care institutions, aimed at effectively investigating and sanctioning abuses and providing compensation to victims and their families.

The right to a fair trial

(17) The Committee is concerned at reported delays in the completion of criminal trials involving detention on remand while awaiting final judgements, the practice of which is inconsistent with the right to a fair trial (art. 14).

The State party should take appropriate measures to observe safeguards of the right to a fair trial effectively, including a timely delivery of judgements.

Freedom of expression

(18) The Committee is concerned that the investigation of a physical attack against the journalist Leonids Jakobsons has been pending since March 2012 (art. 19).

The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and interpreted in the Committee's general comment No. 34 (2011) on article 19: freedoms of opinion and expression, including by effectively investigating attacks against journalists.

Protection against hate crimes

(19) The Committee is concerned at reports of racist speech, acts of violence and discrimination against vulnerable groups, including Roma and lesbian, gay, bisexual and transgender persons, and at a reported increase in incidents of violence against minorities in recent years. The Committee is also concerned at the inadequate application of the legislative framework against hate crime with respect to lesbian, gay, bisexual and transgender persons. The Committee is furthermore concerned at allegations of insufficient hate crime recording, monitoring, investigation and prosecution (arts. 20 and 26).

The State party should:

(a) Strengthen its strategies to fight against racially motivated crimes and counter the use of racist discourse in politics and in the media;

(b) Implement criminal law provisions aimed at combating racially motivated crimes, punish perpetrators with appropriate penalties and facilitate the reporting procedure for hate crimes;

(c) Define incitement to violence on grounds of sexual orientation or gender identity as a criminal offence.

National minorities and education

(20) While noting that 22 per cent of educational institutions offer bilingual education in Latvian and one of seven minority languages, the Committee is concerned at the prevailing negative effects on minorities of the transition to Latvian as the language of instruction, based on the Education Law, and the gradual decrease of measures in support of teaching minority languages and cultures in minority schools (arts. 26 and 27).

The State party should intensify measures to prevent the negative effects on minorities of the transition to Latvian as the language of instruction and in particular to remedy the lack of textbooks in some subjects and the lack of quality of materials and training in the Latvian language for non-Latvian teachers. The State party should also take further steps in support of the teaching of minority languages and cultures in minority schools.

Roma

(21) The Committee is concerned that Roma continue to suffer from discrimination and social exclusion, especially in the areas of employment, housing, health and education. The Committee is particularly concerned that certain municipalities have continued to exclude Roma children by placing them in separate classes from other children, which prevents them from receiving an equal quality of education and limits their professional opportunities (arts. 26 and 27).

The State party should intensify its measures to ensure effective enjoyment by Roma of all the rights under the Covenant, without any discrimination, and take, in particular, immediate steps to eradicate the segregation of Roma children in its education system by ensuring that placement in schools is carried out on an individual basis, after due assessment of the child's circumstances and capacities, and is not adversely influenced by the child's ethnic origin or socially disadvantaged condition.

(22) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the third periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee and the present concluding observations, so as to increase awareness of the rights in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the other commonly used languages of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to consult broadly with civil society and non-governmental organizations.

(23) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the recommendations made in paragraphs 15, 19 and 20 above.

(24) The Committee requests the State party, in its next periodic report, due to be submitted by 28 March 2020, to provide specific and up-to-date information on all its recommendations and on the Covenant as a whole.

138. United States of America

(1) The Committee considered the fourth periodic report of the United States of America (CCPR/C/USA/4 and Corr.1) at its 3044th, 3045th and 3046th meetings (CCPR/C/SR.3044, 3045 and 3046), held on 13 and 14 March 2014. At its 3061st meeting (CCPR/C/SR.3061), held on 26 March 2014, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the fourth periodic report of the United States of America and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation, which included representatives of state and local governments, on the measures taken by the State party during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/USA/Q/4/Add.1) to the list of issues (CCPR/C/USA/Q/4), which were supplemented by the oral responses provided by the delegation during the dialogue, and for the additional information that was provided in writing.

B. Positive aspects

(3) The Committee notes with appreciation the many efforts undertaken by the State party and the progress made in protecting civil and political rights. The Committee welcomes in particular the following legislative and institutional steps taken by the State party:

(a) Full implementation of article 6, paragraph 5, of the Covenant in the aftermath of the Supreme Court's judgment in *Roper v. Simmons*, 543 U.S. 551 (2005), despite the State party's reservation to the contrary;

(b) Recognition by the Supreme Court in *Boumediene v. Bush*, 553 U.S. 723 (2008) of the extraterritorial application of constitutional habeas corpus rights to aliens detained at Guantánamo Bay;

(c) Presidential Executive Orders 13491 – Ensuring Lawful Interrogations, 13492 – Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities and 13493 – Review of Detention Policy Options, issued on 22 January 2009;

(d) Support for the United Nations Declaration on the Rights of Indigenous Peoples, announced by President Obama on 16 December 2010;

(e) Presidential Executive Order 13567 establishing a periodic review of detainees at the Guantánamo Bay detention facility who have not been charged, convicted or designated for transfer, issued on 7 March 2011.

C. Principal matters of concern and recommendations

Applicability of the Covenant at national level

(4) The Committee regrets that the State party continues to maintain the position that the Covenant does not apply with respect to individuals under its jurisdiction, but outside its territory, despite the interpretation to the contrary of article 2, paragraph 1, supported by the Committee's established jurisprudence, the jurisprudence of the International Court of Justice and State practice. The Committee further notes that the State party has only limited avenues to ensure that state and local governments respect and implement the Covenant, and that its provisions have been declared to be non-self-executing at the time of ratification. Taken together, these elements considerably limit the legal reach and practical relevance of the Covenant (art. 2).

The State party should:

(a) Interpret the Covenant in good faith, in accordance with the ordinary meaning to be given to its terms in their context, including subsequent practice, and in the light of the object and purpose of the Covenant, and review its legal position so as to acknowledge the extraterritorial application of the Covenant under certain circumstances, as outlined, inter alia, in the Committee's general comment No. 31

(2004) on the nature of the general legal obligation imposed on States parties to the Covenant;

(b) Engage with stakeholders at all levels to identify ways to give greater effect to the Covenant at federal, state and local levels, taking into account that the obligations under the Covenant are binding on the State party as a whole, and that all branches of government and other public or governmental authorities at every level are in a position to engage the responsibility of the State party (general comment No. 31, para. 4);

(c) Taking into account its declaration that provisions of the Covenant are non-self-executing, ensure that effective remedies are available for violations of the Covenant, including those that do not, at the same time, constitute violations of the domestic law of the United States of America, and undertake a review of such areas with a view to proposing to Congress implementing legislation to fill any legislative gaps. The State party should also consider acceding to the Optional Protocol to the Covenant, providing for an individual communication procedure;

(d) Strengthen and expand existing mechanisms mandated to monitor the implementation of human rights at federal, state, local and tribal levels, provide them with adequate human and financial resources or consider establishing an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex);

(e) Reconsider its position regarding its reservations and declarations to the Covenant with a view to withdrawing them.

Accountability for past human rights violations

(5) The Committee is concerned at the limited number of investigations, prosecutions and convictions of members of the Armed Forces and other agents of the United States Government, including private contractors, for unlawful killings during its international operations, and the use of torture or other cruel, inhuman or degrading treatment or punishment of detainees in United States custody, including outside its territory, as part of the so-called "enhanced interrogation techniques". While welcoming Presidential Executive Order 13491 of 22 January 2009 terminating the programme of secret detention and interrogation operated by the Central Intelligence Agency (CIA), the Committee notes with concern that all reported investigations into enforced disappearances, torture and other cruel, inhuman or degrading treatment committed in the context of the CIA secret rendition, interrogation and detention programmes were closed in 2012, resulting in only a meagre number of criminal charges being brought against low-level operatives. The Committee is concerned that many details of the CIA programmes remain secret, thereby creating barriers to accountability and redress for victims (arts. 2, 6, 7, 9, 10 and 14).

The State party should ensure that all cases of unlawful killing, torture or other ill-treatment, unlawful detention or enforced disappearance are effectively, independently and impartially investigated, that perpetrators, including, in particular, persons in positions of command, are prosecuted and sanctioned, and that victims are provided with effective remedies. The responsibility of those who provided legal pretexts for manifestly illegal behaviour should also be established. The State party should also consider the full incorporation of the doctrine of "command responsibility" in its criminal law and declassify and make public the report of the Senate Special Committee on Intelligence into the CIA secret detention programme.

Racial disparities in the criminal justice system

(6) While appreciating the steps taken by the State party to address racial disparities in the criminal justice system, including the enactment in August 2010 of the Fair Sentencing Act and plans to work on reforming mandatory minimum sentencing statutes, the Committee continues to be concerned about racial disparities at different stages in the criminal justice system, as well as sentencing disparities and the overrepresentation of individuals belonging to racial and ethnic minorities in prisons and jails (arts. 2, 9, 14 and 26).

The State party should continue and step up its efforts to robustly address racial disparities in the criminal justice system, including by amending regulations and policies leading to racially disparate impact at the federal, state and local levels. The State party should ensure the retroactive application of the Fair Sentencing Act and reform mandatory minimum sentencing statutes.

Racial profiling

(7) While welcoming plans to reform the "stop and frisk" programme in New York City, the Committee remains concerned about the practice of racial profiling and surveillance by law enforcement officials targeting certain ethnic minorities and the surveillance of Muslims, undertaken by the Federal Bureau of Investigation (FBI) and the New York Police Department (NYPD), in the absence of any suspicion of wrongdoing (arts. 2, 9, 12, 17 and 26).

The State party should continue and step up measures to effectively combat and eliminate racial profiling by federal, state and local law enforcement officials, inter alia, by:

(a) Pursuing the review of its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies and expanding protection against profiling on the basis of religion, religious appearance or national origin;

(b) Continuing to train state and local law enforcement personnel on cultural awareness and the inadmissibility of racial profiling; and

(c) Abolishing all "stop and frisk" practices.

Death penalty

(8) While welcoming the overall decline in the number of executions and the increasing number of states that have abolished the death penalty, the Committee remains concerned about the continuing use of the death penalty and, in particular, racial disparities in its imposition that disproportionately affects African Americans, exacerbated by the rule that discrimination has to be proven on a case-by-case basis. The Committee is further concerned by the high number of persons wrongly sentenced to death, despite existing safeguards, and by the fact that 16 retentionist states do not provide for compensation for persons who are wrongfully convicted, while other states provide for insufficient compensation. Finally, the Committee notes with concern reports about the administration, by some states, of untested lethal drugs to execute prisoners and the withholding of information about such drugs (arts. 2, 6, 7, 9, 14 and 26).

The State party should:

(a) Take measures to effectively ensure that the death penalty is not imposed as a result of racial bias;

(b) Strengthen safeguards against wrongful sentencing to death and subsequent wrongful execution by ensuring, inter alia, effective legal representation for defendants in death penalty cases, including at the post-conviction stage;

(c) Ensure that retentionist states provide adequate compensation for persons who are wrongfully convicted;

(d) Ensure that lethal drugs used for executions originate from legal, regulated sources, and are approved by the United States Food and Drug Administration and that information on the origin and composition of such drugs is made available to individuals scheduled for execution; and

(e) Consider establishing a moratorium on the death penalty at the federal level and engage with retentionist states with a view to achieving a nationwide moratorium.

The Committee also encourages the State party to consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on the occasion of the 25th anniversary of the Protocol.

Targeted killings using unmanned aerial vehicles (drones)

(9) The Committee is concerned about the State party's practice of targeted killings in extraterritorial counter-terrorism operations using unmanned aerial vehicles (UAV), also known as "drones", the lack of transparency regarding the criteria for drone strikes, including the legal justification for specific attacks, and the lack of accountability for the loss of life resulting from such attacks. The Committee notes the State party's position that drone strikes are conducted in the course of its armed conflict with Al-Qaida, the Taliban and associated forces in accordance with its inherent right of national self-defence, and that they are governed by international humanitarian law as well as by the Presidential Policy Guidance that sets out standards for the use of lethal force outside areas of active hostilities. Nevertheless, the Committee remains concerned about the State party's very broad approach to the definition and geographical scope of "armed conflict", including the end of hostilities, the unclear interpretation of what constitutes an "imminent threat", who is a combatant or a civilian taking direct part in hostilities, the unclear position on the nexus that should exist between any particular use of lethal force and any specific theatre of hostilities, as well as the precautionary measures taken to avoid civilian casualties in practice (arts. 2, 6 and 14).

The State party should revisit its position regarding legal justifications for the use of deadly force through drone attacks. It should:

(a) Ensure that any use of armed drones complies fully with its obligations under article 6 of the Covenant, including, in particular, with respect to the principles of precaution, distinction and proportionality in the context of an armed conflict;

(b) Subject to operational security, disclose the criteria for drone strikes, including the legal basis for specific attacks, the process of target identification and the circumstances in which drones are used;

(c) Provide for independent supervision and oversight of the specific implementation of regulations governing the use of drone strikes;

(d) In armed conflict situations, take all feasible measures to ensure the protection of civilians in specific drone attacks and to track and assess civilian casualties, as well as all necessary precautionary measures in order to avoid such casualties;

(e) Conduct independent, impartial, prompt and effective investigations of allegations of violations of the right to life and bring to justice those responsible;

(f) Provide victims or their families with an effective remedy where there has been a violation, including adequate compensation, and establish accountability mechanisms for victims of allegedly unlawful drone attacks who are not compensated by their home governments.

Gun violence

(10) While acknowledging the measures taken to reduce gun violence, the Committee remains concerned about the continuing high numbers of gun-related deaths and injuries and the disparate impact of gun violence on minorities, women and children. While commending the investigation by the United States Commission on Civil Rights of the discriminatory effect of the "Stand Your Ground" laws, the Committee is concerned about the proliferation of such laws which are used to circumvent the limits of legitimate self-defence in violation of the State party's duty to protect life (arts. 2, 6 and 26).

The State Party should take all necessary measures to abide by its obligation to effectively protect the right to life. In particular, it should:

(a) Continue its efforts to effectively curb gun violence, including through the continued pursuit of legislation requiring background checks for all private firearm transfers, in order to prevent possession of arms by persons recognized as prohibited individuals under federal law, and ensure strict enforcement of the Domestic Violence Offender Gun Ban of 1996 (the Lautenberg Amendment); and

(b) Review the Stand Your Ground laws to remove far-reaching immunity and ensure strict adherence to the principles of necessity and proportionality when using deadly force in self-defence.

Excessive use of force by law enforcement officials

(11) The Committee is concerned about the still high number of fatal shootings by certain police forces, including, for instance, in Chicago, and reports of excessive use of force by certain law enforcement officers, including the deadly use of tasers, which has a disparate impact on African Americans, and use of lethal force by Customs and Border Protection (CBP) officers at the United States-Mexico border (arts. 2, 6, 7 and 26).

The State Party should:

(a) Step up its efforts to prevent the excessive use of force by law enforcement officers by ensuring compliance with the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(b) Ensure that the new CBP directive on the use of deadly force is applied and enforced in practice; and

(c) Improve reporting of violations involving the excessive use of force and ensure that reported cases of excessive use of force are effectively investigated; that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; that investigations are re-opened when new evidence becomes available; and that victims or their families are provided with adequate compensation.

Legislation prohibiting torture

(12) While noting that acts of torture may be prosecuted in a variety of ways at both the federal and state levels, the Committee is concerned about the lack of comprehensive legislation criminalizing all forms of torture, including mental torture, committed within the territory of the State party. The Committee is also concerned about the inability of torture victims to claim compensation from the State party and its officials due to the application of broad doctrines of legal privilege and immunity (arts. 2 and 7).

The State party should enact legislation to explicitly prohibit torture, including mental torture, wherever committed, and ensure that the law provides for penalties commensurate with the gravity of such acts, whether committed by public officials or other persons acting on behalf of the State, or by private persons. The State party should ensure the availability of compensation to victims of torture.

Non-refoulement

(13) While noting the measures taken to ensure compliance with the principle of non-refoulement in cases of extradition, expulsion, return and transfer of individuals to other countries, the Committee is concerned about the State party's reliance on diplomatic assurances that do not provide sufficient safeguards. It is also concerned at the State party's position that the principle of non-refoulement is not covered by the Covenant, despite the Committee's established jurisprudence and subsequent State practice (arts. 6 and 7).

The State party should strictly apply the absolute prohibition against refoulement under articles 6 and 7 of the Covenant; continue exercising the utmost care in evaluating diplomatic assurances, and refrain from relying on such assurances where it is not in a position to effectively monitor the treatment of such persons after their extradition, expulsion, transfer or return to other countries; and take appropriate remedial action when assurances are not fulfilled.

Trafficking and forced labour

(14) While acknowledging the measures taken by the State party to address the issue of trafficking in persons and forced labour, the Committee remains concerned about cases of trafficking of persons, including children, for purposes of labour and sexual exploitation, and criminalization of victims on prostitution-related charges. It is concerned about the insufficient identification and investigation of cases of trafficking for labour purposes and notes with concern that certain categories of workers, such as farm workers and domestic workers, are explicitly excluded from protection under labour laws, thus rendering those categories of workers more vulnerable to trafficking. The Committee is also concerned that workers entering the United States of America under the H-2B work visa programme are also at a high risk of becoming victims of trafficking and/or forced labour (arts. 2, 8, 9, 14, 24 and 26).

The State party should continue its efforts to combat trafficking in persons, inter alia, by strengthening its preventive measures, increasing victim identification and systematically and vigorously investigating allegations of trafficking in persons, prosecuting and punishing those responsible and providing effective remedies to victims, including protection, rehabilitation and compensation. The State party should take all appropriate measures to prevent the criminalization of victims of sex trafficking, including child victims, insofar as they have been compelled to engage in unlawful activities. The State party should review its laws and regulations to ensure full protection against forced labour for all categories of workers and ensure effective oversight of labour conditions in any temporary visa programme. It should also reinforce its training activities and provide training to law enforcement and border and immigration officials, as well as to other relevant agencies such as labour law enforcement agencies and child welfare agencies.

Immigrants

(15) The Committee is concerned that under certain circumstances mandatory detention of immigrants for prolonged periods of time without regard to the individual case may raise issues under article 9 of the Covenant. It is also concerned about the mandatory nature of the deportation of foreigners, without regard to elements such as the seriousness of crimes and misdemeanours committed, the length of lawful stay in the United States, health status,

family ties and the fate of spouses and children staying behind, or the humanitarian situation in the country of destination. Finally, the Committee expresses concern about the exclusion of millions of undocumented immigrants and their children from coverage under the Affordable Care Act and the limited coverage of undocumented immigrants and immigrants residing lawfully in the United States for less than five years by Medicare and Children Health Insurance, all resulting in difficulties for immigrants in accessing adequate health care (arts. 7, 9, 13, 17, 24 and 26).

The Committee recommends that the State party review its policies of mandatory detention and deportation of certain categories of immigrants in order to allow for individualized decisions; take measures to ensure that affected persons have access to legal representation; and identify ways to facilitate access to adequate health care, including reproductive health-care services, by undocumented immigrants and immigrants and their families who have been residing lawfully in the United States for less than five years.

Domestic violence

(16) The Committee is concerned that domestic violence continues to be prevalent in the State party, and that ethnic minorities, immigrants, American Indian and Alaska Native women are at particular risk. The Committee is also concerned that victims face obstacles to obtain remedies, and that law enforcement authorities are not legally required to act with due diligence to protect victims of domestic violence and often inadequately respond to such cases (arts. 3, 7, 9 and 26).

The State party should, through the full and effective implementation of the Violence against Women Act and the Family Violence Prevention and Services Act, strengthen measures to prevent and combat domestic violence and ensure that law enforcement personnel appropriately respond to acts of domestic violence. The State party should ensure that cases of domestic violence are effectively investigated and that perpetrators are prosecuted and sanctioned. The State party should ensure remedies for all victims of domestic violence and take steps to improve the provision of emergency shelter, housing, child care, rehabilitative services and legal representation for women victims of domestic violence. The State party should also take measures to assist tribal authorities in their efforts to address domestic violence against Native American women.

Corporal punishment

(17) The Committee is concerned about corporal punishment of children in schools, penal institutions, the home and all forms of childcare at federal, state and local levels. It is also concerned about the increasing criminalization of students to deal with disciplinary issues in schools (arts. 7, 10 and 24).

The State party should take practical steps, including through legislative measures, where appropriate, to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment and should conduct public information campaigns to raise awareness about its harmful effects. The State party should also promote the use of alternatives to the application of criminal law to address disciplinary issues in schools.

Non-consensual psychiatric treatment

(18) The Committee is concerned about the widespread use of non-consensual psychiatric medication, electroshock and other restrictive and coercive practices in mental health services (arts. 7 and 17).

The State party should ensure that non-consensual use of psychiatric medication, electroshock and other restrictive and coercive practices in mental health services is generally prohibited. Non-consensual psychiatric treatment may only be applied, if at all, in exceptional cases as a measure of last resort where absolutely necessary for the benefit of the person concerned, provided that he or she is unable to give consent, and for the shortest possible time without any long-term impact and under independent review. The State party should promote psychiatric care aimed at preserving the dignity of patients, both adults and minors.

Criminalization of homelessness

(19) While appreciating the steps taken by federal and some state and local authorities to address homelessness, the Committee is concerned about reports of criminalization of people living on the street for everyday activities such as eating, sleeping, sitting in particular areas, etc. The Committee notes that such criminalization raises concerns of discrimination and cruel, inhuman or degrading treatment (arts. 2, 7, 9, 17 and 26).

The State party should engage with state and local authorities to:

(a) Abolish the laws and policies criminalizing homelessness at state and local levels;

(b) Ensure close cooperation among all relevant stakeholders, including social, health, law enforcement and justice professionals at all levels, to intensify efforts to find solutions for the homeless, in accordance with human rights standards; and

(c) Offer incentives for decriminalization and the implementation of such solutions, including by providing continued financial support to local authorities that implement alternatives to criminalization, and withdrawing funding from local authorities that criminalize the homeless.

Conditions of detention and use of solitary confinement

(20) The Committee is concerned about the continued practice of holding persons deprived of their liberty, including, under certain circumstances, juveniles and persons with mental disabilities, in prolonged solitary confinement and about detainees being held in solitary confinement in pretrial detention. The Committee is furthermore concerned about poor detention conditions in death-row facilities (arts. 7, 9, 10, 17 and 24).

The State party should monitor the conditions of detention in prisons, including private detention facilities, with a view to ensuring that persons deprived of their liberty are treated in accordance with the requirements of articles 7 and 10 of the Covenant and the Standard Minimum Rules for the Treatment of Prisoners. It should impose strict limits on the use of solitary confinement, both pretrial and following conviction, in the federal system as well as nationwide, and abolish the practice in respect of anyone under the age of 18 and prisoners with serious mental illness. It should also bring the detention conditions of prisoners on death row into line with international standards.

Detainees at Guantánamo Bay

(21) While noting the President's commitment to closing the Guantánamo Bay facility and the appointment of Special Envoys at the United States Departments of State and of Defense to continue to pursue the transfer of designated detainees, the Committee regrets that no timeline for closure of the facility has been provided. The Committee is also concerned that detainees held in Guantánamo Bay and in military facilities in Afghanistan are not dealt with through the ordinary criminal justice system after a protracted period of over a decade, in some cases (arts. 7, 9, 10 and 14).

The State party should expedite the transfer of detainees designated for transfer, including to Yemen, as well as the process of periodic review for Guantánamo detainees and ensure either their trial or their immediate release and the closure of the Guantánamo Bay facility. It should end the system of administrative detention without charge or trial and ensure that any criminal cases against detainees held in Guantánamo and in military facilities in Afghanistan are dealt with through the criminal justice system rather than military commissions, and that those detainees are afforded the fair trial guarantees enshrined in article 14 of the Covenant.

National Security Agency surveillance

(22) The Committee is concerned about the surveillance of communications in the interest of protecting national security, conducted by the National Security Agency (NSA) both within and outside the United States, through the bulk phone metadata surveillance programme (Section 215 of the USA PATRIOT Act) and, in particular, surveillance under Section 702 of the Foreign Intelligence Surveillance Act (FISA) Amendment Act, conducted through PRISM (collection of communications content from United States-based Internet companies) and UPSTREAM (collection of communications metadata and content by tapping fibre-optic cables carrying Internet traffic) and the adverse impact on individuals' right to privacy. The Committee is concerned that, until recently, judicial interpretations of FISA and rulings of the Foreign Intelligence Surveillance Court (FISC) had largely been kept secret, thus not allowing affected persons to know the law with sufficient precision. The Committee is concerned that the current oversight system of the activities of the NSA fails to effectively protect the rights of the persons affected. While welcoming the recent Presidential Policy Directive/PPD-28, which now extends some safeguards to non-United States citizens "to the maximum extent feasible consistent with the national security", the Committee remains concerned that such persons enjoy only limited protection against excessive surveillance. Finally, the Committee is concerned that the persons affected have no access to effective remedies in case of abuse (arts. 2, 5 (1) and 17).

The State party should:

(a) Take all necessary measures to ensure that its surveillance activities, both within and outside the United States, conform to its obligations under the Covenant, including article 17; in particular, measures should be taken to ensure that any interference with the right to privacy complies with the principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals whose communications are under direct surveillance;

(b) Ensure that any interference with the right to privacy, family, home or correspondence is authorized by laws that: (i) are publicly accessible; (ii) contain provisions that ensure that collection of, access to and use of communications data are tailored to specific legitimate aims; (iii) are sufficiently precise and specify in detail the precise circumstances in which any such interference may be permitted, the procedures for authorization, the categories of persons who may be placed under surveillance, the limit on the duration of surveillance; procedures for the use and storage of data collected; and (iv) provide for effective safeguards against abuse;

(c) Reform the current oversight system of surveillance activities to ensure its effectiveness, including by providing for judicial involvement in the authorization or monitoring of surveillance measures, and considering the establishment of strong and independent oversight mandates with a view to preventing abuses;

(d) Refrain from imposing mandatory retention of data by third parties;

(e) Ensure that affected persons have access to effective remedies in cases of abuse.

Juvenile justice and life imprisonment without parole

(23) While noting with satisfaction the Supreme Court decisions prohibiting sentences of life imprisonment without parole for children convicted of non-homicide offences (*Graham v. Florida*), and barring sentences of mandatory life imprisonment without parole for children convicted of homicide offences (*Miller v. Alabama*) and the State party's commitment to their retroactive application, the Committee is concerned that a court may still, at its discretion, sentence a defendant to life imprisonment without parole for a homicide committed as a juvenile, and that a mandatory or non-homicide-related sentence of life imprisonment without parole may still be applied to adults. The Committee is also concerned that many states exclude 16 and 17 year olds from juvenile court jurisdictions so that juveniles continue to be tried in adult courts and incarcerated in adult institutions (arts. 7, 9, 10, 14, 15 and 24).

The State party should prohibit and abolish the sentence of life imprisonment without parole for juveniles, irrespective of the crime committed, as well as the mandatory and non-homicide-related sentence of life imprisonment without parole. It should also ensure that juveniles are separated from adults during pretrial detention and after sentencing, and that juveniles are not transferred to adult courts. It should encourage states that automatically exclude 16 and 17 year olds from juvenile court jurisdictions to change their laws.

Voting rights

(24) While noting with satisfaction the statement by the Attorney General on 11 February 2014, calling for a reform of state laws on felony disenfranchisement, the Committee reiterates its concern about the persistence of state-level felon disenfranchisement laws, its disproportionate impact on minorities and the lengthy and cumbersome voting restoration procedures in states. The Committee is further concerned that voter identification and other recently introduced eligibility requirements may impose excessive burdens on voters and result in de facto disenfranchisement of large numbers of voters, including members of minority groups. Finally, the Committee reiterates its concern that residents of the District of Columbia (D.C.) are denied the right to vote for and elect voting representatives to the United States Senate and House of Representatives (arts. 2, 10, 25 and 26).

The State party should ensure that all states reinstate voting rights to felons who have fully served their sentences; provide inmates with information about their voting restoration options; remove or streamline lengthy and cumbersome voting restoration procedures; as well as review automatic denial of the vote to any imprisoned felon, regardless of the nature of the offence. The State party should also take all necessary measures to ensure that voter identification requirements and the new eligibility requirements do not impose excessive burdens on voters and result in de facto disenfranchisement. The State party should also provide for the full voting rights of residents of Washington, D.C.

Rights of indigenous peoples

(25) The Committee is concerned about the insufficient measures taken to protect the sacred areas of indigenous peoples against desecration, contamination and destruction as a result of urbanization, extractive industries, industrial development, tourism and toxic contamination. It is also concerned about the restriction of access of indigenous peoples to sacred areas that are essential for the preservation of their religious, cultural and spiritual practices, and the insufficiency of consultation with indigenous peoples on matters of interest to their communities (art. 27).

The State party should adopt measures to effectively protect sacred areas of indigenous peoples against desecration, contamination and destruction and ensure that consultations are held with the indigenous communities that might be adversely affected by the State party's development projects and exploitation of natural resources with a view to obtaining their free, prior and informed consent for proposed project activities.

(26) The State party should widely disseminate the Covenant, the text of its fourth periodic report, the written replies to the list of issues drawn up by the Committee and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public.

(27) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 5, 10, 21 and 22 above.

(28) The Committee requests the State party to provide in its next periodic report due to be submitted on 28 March 2019 specific, up-to-date information on the implementation of all its recommendations and on the Covenant as a whole. The Committee also requests the State party, when preparing its next periodic report, to continue its practice of broadly consulting with civil society and non-governmental organizations.

V. Consideration of communications under the Optional Protocol

139. Individuals who claim that any of their rights under the International Covenant on Civil and Political Rights have been violated by a State party, and who have exhausted all available domestic remedies, may submit written communications to the Human Rights Committee for consideration under the Optional Protocol. No communication can be considered unless it concerns a State party to the Covenant that has recognized the competence of the Committee by becoming a party to the Optional Protocol. Of the 167 States that have ratified, acceded to or succeeded to the Covenant, 114 have accepted the Committee's competence to deal with individual complaints by becoming parties to the Optional Protocol (see annex I, section B).

140. Consideration of communications under the Optional Protocol is confidential and takes place in closed meetings (art. 5, para. 3, of the Optional Protocol). Under rule 102 of the Committee's rules of procedure, all working documents issued for the Committee are confidential unless the Committee decides otherwise. However, the author of a communication and the State party concerned may make public any submissions or information bearing on the proceedings, unless the Committee has requested the parties to respect confidentiality. The Committee's final decisions (Views, decisions declaring a communication inadmissible, decisions to discontinue the consideration of a communication) are made public; the names of the authors are disclosed, unless the Committee decides otherwise at the request of the authors.

141. An overview of the States parties' obligations under the Optional Protocol is contained in the Committee's general comment No. 33 (2008).[20]

A. Progress of work

142. The Committee started its work under the Optional Protocol at its second session, in 1977. Since then, 2,371 communications concerning 89 States parties have been registered for consideration by the Committee, including 132 registered during the period covered by the present report. At present, the status of the 2,371 communications registered is as follows:

(a) Consideration concluded by the adoption of Views under article 5, paragraph 4, of the Optional Protocol: 1,008, including 850 in which violations of the Covenant were found;

(b) Declared inadmissible: 620;

(c) Discontinued or withdrawn: 355;

(d) Not yet concluded: 388.

143. A high number of communications are received per year in respect of which complainants are advised that further information would be needed before their communications could be registered for consideration by the Committee, or that their cases cannot be dealt with by the Committee, for example because they fall clearly outside the

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[20] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 40*, vol. I (A/64/40 (Vol. I)), annex V.

scope of application of the Covenant or of the Optional Protocol. A record of this correspondence is kept by the secretariat of OHCHR.

144. At its 108th, 109th and 110th sessions, the Committee adopted Views on 44 cases. These Views are reproduced in annex VI (Vol. II).

145. The Committee also concluded the consideration of 12 cases by declaring them inadmissible. These decisions are reproduced in annex VII (Vol. II).

146. Under the Committee's rules of procedure, the Committee will normally decide on the admissibility and merits of a communication together. Only in exceptional circumstances will the Committee address admissibility separately. A State party which has received a request for information on admissibility and merits may, within two months, object to admissibility and apply for separate consideration of admissibility. Such a request will not, however, release the State party from the requirement to submit information on the merits within six months, unless the Committee, its Working Group on Communications or its designated special rapporteur decides to extend the time for submission of information on the merits until after the Committee has ruled on admissibility.

147. The Committee decided to discontinue the consideration of 38 communications for reasons such as withdrawal by the author, or because the author or counsel failed to respond to the Committee despite repeated reminders, or because the authors, who had expulsion orders pending against them, were allowed to stay in the countries concerned.

B. Committee's caseload under the Optional Protocol

148. The table below sets out the pattern of the Committee's work on communications over the last six years, to 31 December 2013.

Communications dealt with from 2008 to 2012

Year	*New cases registered*	*Cases concluded*[a]	*Pending cases at 31 December*
2013	93	72	379
2012	102	99	355
2011	106	188	352
2010	96	94	434
2009	68	84	432
2008	112	87	448

[a] Total number of cases decided (by the adoption of Views, inadmissibility decisions and decisions to discontinue consideration).

149. By the date of adoption of the present report, some 152 communications were ready for the Committee's decision on admissibility and/or merits. The Committee welcomes the decision taken by the General Assembly in December 2013 to provide it with resources to meet during five additional working days in 2014 in order to examine a higher number of communications. However, the Committee continues to be concerned about the fact that, owing to the Secretariat's limited resources, the Committee is not in a position to examine communications in a more expeditious manner.

C. Approaches to considering communications under the Optional Protocol

1. Special Rapporteur on new communications

150. At its thirty-fifth session, in March 1989, the Committee decided to designate a special rapporteur authorized to process new communications and requests for interim measures as they were received, i.e. between sessions of the Committee. At the Committee's 107th session, in March 2013, Mr. Kälin was designated Special Rapporteur. In the period covered by the present report, 132 new communications were transmitted to States parties under rule 97 of the Committee's rules of procedure, requesting information or observations relevant to the questions of admissibility and merits. In 41 cases, the Special Rapporteur issued requests for interim measures pursuant to rule 92 of the Committee's rules of procedure.

151. The methods of work of the Special Rapporteur, as approved by the Committee at its 110th session, are contained in document CCPR/C/110/3.

2. Competence of the Working Group on Communications

152. At its thirty-sixth session, in July 1989, the Committee decided to authorize the Working Group on Communications to adopt decisions declaring communications admissible when all members of the Working Group so agreed. Failing such agreement, the Working Group refers the matter to the Committee. It also does so whenever it believes that the Committee itself should decide the question of admissibility. The Working Group can also adopt decisions declaring communications inadmissible if all members so agree. However, the decision will be transmitted to the Committee plenary, which may confirm it without formal discussion or examine it at the request of any Committee member.

D. Individual opinions

153. In its work under the Optional Protocol, the Committee seeks to adopt decisions by consensus. However, pursuant to rule 104 of the Committee's rules of procedure, members can add their individual opinions (concurring or dissenting) to the Committee's Views. Under this rule, members can also append their individual opinions to the Committee's decisions declaring communications admissible or inadmissible.

154. During the period under review, individual opinions were appended to the Committee's Views and decisions concerning cases No. 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1864/2009 (*Kirsanov v. Belarus*), 1865/2009 (*Sedhai v. Nepal*), 1874/2009 (*Mihoubi v. Algeria*), 1879/2009 (*A.W.P. v. Denmark*), 1881/2009 (*Shakeel v. Canada*), 1885/2009 (*Horvath v. Australia*), 1889/2009 (*Marouf v. Algeria*), 1898/2009 (*Choudhary v. Canada*), 1899/2009 (*Terafi v. Algeria*), 1997/2010 (*Rizvanović v. Bosnia and Herzegovina*), 2007/2010 (*X. v. Denmark*), 2102/2011 (*Paadar et al. v. Finland*), 2094/2011 (*F.K.A.G. et al. v. Australia*), 2136/2012 (*M.M.M. et al. v. Australia*), 2155/2012 (*Paksas v. Lithuania*) and 2202/2012 (*Rodriguez Castañeda v. Mexico*).

E. Cooperation by the States parties in the examination of communications

155. In several cases decided during the period under review, the Committee noted that the State party had failed to cooperate in the procedure by not providing observations on the admissibility and/or merits of the authors' allegations. The States parties in question are

Libya (in two communications), Belarus (in two communications), the Democratic Republic of the Congo (one communication) and Algeria (in eight communications with respect to the merits of the respective cases). The Committee deplored that situation and recalled that it was implicit in the Optional Protocol that States parties should transmit to the Committee all information at their disposal. In the absence of a reply, due weight has to be given to the author's allegations, to the extent that they have been properly substantiated.

F. Issues considered by the Committee

156. A review of the Committee's work under the Optional Protocol from its second session in 1977 to its 107th session in March 2013 can be found in the Committee's annual reports for 1984 to 2013, which contain summaries of the procedural and substantive issues considered by the Committee and of the decisions taken. The full texts of the Views adopted by the Committee and of its decisions declaring communications inadmissible under the Optional Protocol are reproduced in annexes to the Committee's annual reports to the General Assembly. The texts of the Views and decisions are also available in the treaty body database on the OHCHR website (www.ohchr.org).

157. Nine volumes of *Selected Decisions of the Human Rights Committee under the Optional Protocol*, from the second to the sixteenth sessions (1977–1982), from the seventeenth to the thirty-second sessions (1982–1988), from the thirty-third to the thirty-ninth sessions (1988–1990), from the fortieth to the forty-sixth sessions (1990–1992), from the forty-seventh to the fifty-fifth sessions (1993–1995), from the fifty-sixth to the sixty-fifth sessions (March 1996 to April 1999), from the sixty-sixth to the seventy-fourth sessions (July 1999 to March 2002), from the seventy-fifth to the eighty-fourth sessions (July 2002 to July 2005) and from the eighty-fifth to the ninety-first sessions (October 2005 to October 2007) have been published. Some volumes are available in English, French, Russian and Spanish, while others are currently available in only one or two languages, which is most regrettable. As domestic courts increasingly apply the standards contained in the International Covenant on Civil and Political Rights, it is imperative that the Committee's decisions can be consulted worldwide in a properly compiled and indexed volume, available in all the official languages of the United Nations.

158. The following summary reflects developments concerning issues considered during the period covered by the present report.

1. Procedural issues

(a) *Inadmissibility for lack of standing (Optional Protocol, art. 1)*

159. In case No. 1879/2009 (*A.W.P. v. Denmark*) concerning claims about incidents of hate speech by members of Parliament against Muslims, the Committee recalled that any person claiming to be a victim of a violation of a right protected by the Covenant must demonstrate either that a State party has by an act or omission already impaired the exercise of his right or that such impairment is imminent, basing his argument for example on legislation in force or on a judicial or administrative decision or practice. In the Committee's decision regarding *Toonen v. Australia*, the Committee had considered that the author had made reasonable efforts to demonstrate that the threat of enforcement and the pervasive impact of the continued existence of the incriminating facts on administrative practices and public opinion had affected him and continued to affect him personally. In the present case, without prejudice to the State party's obligations under article 20, paragraph 2, with regard to the statements made by the concerned members of Parliament, the Committee considered that the author had failed to establish that those specific statements had specific consequences for him or that the specific consequences of the statements were

imminent and would personally affect him. The Committee therefore considered that the author had failed to demonstrate that he was a victim for purposes of the Covenant and his claim was declared inadmissible under article 1 of the Optional Protocol.

(b) Inadmissibility "ratione temporis" (Optional Protocol, art. 1)

160. In case No. 1910/2009 (*Zhuk v. Belarus*), the State party challenged admissibility on the ground that the communication had been submitted by third parties and not by the alleged victim himself. In this respect, the Committee recalls that rule 96 (b) of its rules of procedure provides that a communication should normally be submitted by the individual personally or by that individual's representative, but that a communication submitted on behalf of an alleged victim may, however, be accepted when it appears that the individual in question is unable to submit the communication personally. In the present case, the alleged victim at the time of the submission was detained on death row and the communication had been submitted by his mother and a counsel, who had presented a duly signed letter of authorization and a power of attorney for the counsel by the alleged victim to represent him before the Committee. Accordingly, the Committee concluded that it was not precluded by article 1 of the Optional Protocol from examining the communication.

161. In case No. 2155/2012 (*Paksas v. Lithuania*), the author claimed that the disqualification from serving as a judge or a state controller imposed on him violated his rights under the Covenant. The Committee noted that the author had not obtained a legal education and had not shown that he had taken any concrete steps to obtain such an education in the future. Thus, the Committee concluded that the author had not shown that he could be considered a victim of a violation of the Covenant with regard to the disqualification from those offices and declared that claim inadmissible under article 1 of the Optional Protocol.

(c) Claims not substantiated (Optional Protocol, art. 2)

162. In case No. 1897/2009 (*S.Y.L. v. Australia*), concerning the author's expulsion from Australia to Timor-Leste, his country of origin, the author claimed that his return to Timor-Leste would exacerbate his health condition to an extent that would amount to inhuman treatment. The Committee observed that the medical reports provided by the author, dated 2009 for the most recent, made assertions on the unavailability of adequate health care for the author in Timor-Leste without supporting those assertions with concrete data concerning his specific situation. The Committee further noted that the author had not presented any reasons as to why it would be unreasonable for him to live in a location in Timor-Leste where adequate health care would be more available than in the Aileu province, nor had the Committee received information indicating an acute condition that would make the author's return to Timor-Leste an immediate threat to his health. In the light of the information before it, the Committee considered that the author had not sufficiently substantiated that the possible aggravation of his state of health as a result of his deportation would reach the threshold of inhuman treatment within the meaning of article 7 of the Covenant. The Committee therefore considered the communication inadmissible under article 2 of the Optional Protocol.

163. Claims declared inadmissible for lack of substantiation were included in cases Nos. 1405/2005 (*Pustovoit v. Ukraine*), 1592/2007 (*Pichugina v. Belarus*), 1764/2008 (*Alekperov v. Russian Federation*), 1879/2009 (*A.W.P. v. Denmark*), 1881/2009 (*Shakeel v. Canada*), 1894/2009 (*G.J. v. Lithuania*), 1898/2009 (*Choudhary v. Canada*), 1923/2009 (*R.C. v. France*), 1948/2010 (*Turchenyak et al. v. Belarus*), 1955/2010 (*Al-Gertani v. Bosnia and Herzegovina*), 1963/2010 (*T.W. and G.M. v. Slovak Republic*), 1983/2010 (*Y.B. v. Russian Federation*), 2155/2012 (*Paksas v. Lithuania*), 2197/2012 (*X.Q.H. v. New Zealand*) and 2202/2012 (*Rodriguez Castañeda v. Mexico*).

(d) *Competence of the Committee with respect to the evaluation of facts and evidence (Optional Protocol, art. 2)*

164. A specific form of lack of substantiation is represented by cases where the author invites the Committee to re-evaluate issues of fact and evidence addressed by domestic courts. The Committee has repeatedly recalled its jurisprudence that it is not for it to substitute its views for the judgement of the domestic courts on the evaluation of facts and evidence in a case, unless the evaluation is manifestly arbitrary or amounts to a denial of justice. If a jury or court reaches a reasonable conclusion on a particular matter of fact in the light of the evidence available, the decision cannot be held to be manifestly arbitrary or to amount to a denial of justice. Claims involving the re-evaluation of facts and evidence have thus been declared inadmissible under article 2 of the Optional Protocol. This was true for cases No. 1612/2007 (*F.B.L. v. Costa Rica*), 1809/2008 (*V.B. v. Czech Republic*), 1856/2008 (*Sevostyanov v. Russian Federation*), 1894/2009 (*G.J. v. Lithuania*), 1948/2010 (*Turchenyak et al. v. Belarus*) and 2014/2010 (*Jusinskas v. Lithuania*).

(e) *Inadmissibility for incompatibility with the provisions of the Covenant (Optional Protocol, art. 3)*

165. In case No. 2007/2010 (*X. v. Demark*), concerning the deportation of the author to Eritrea, the author claimed that he had not been afforded a fair trial by the Refugee Appeals Board, in breach of article 14 of the Covenant. The Committee referred to its jurisprudence that proceedings relating to the expulsion of aliens do not fall within the ambit of a determination of "rights and obligations in a suit at law" within the meaning of article 14, paragraph 1, but are governed by article 13 of the Covenant. The Committee therefore considered that the author's claim under article 14 was inadmissible *ratione materiae* pursuant to article 3 of the Optional Protocol.

(f) *Inadmissibility for abuse of the right to submit a communication (Optional Protocol, art. 3)*

166. Under article 3 of the Optional Protocol, the Committee can declare inadmissible any communication which it considers to be an abuse of the right to submit communications. During the period under consideration, the question of abuse was raised in connection with a number of cases where several years had elapsed between the exhaustion of domestic remedies and the submission of the communication to the Committee. The Committee recalled that the Optional Protocol establishes no time limit for the submission of communications and that the passage of time, other than in exceptional cases, does not in itself constitute an abuse of the right to submit a communication.

167. At its 100th session, the Committee decided to amend rule 96 of its rules of procedure, which describes the admissibility criteria, in order to define the situations where the delay could constitute an abuse of the right to submit a communication. Rule 96 (c), which simply indicated that the Committee should ascertain "that the communication does not constitute an abuse of the right of submission", was completed as follows:

> An abuse of the right of submission is not, in principle, a basis of a decision of inadmissibility *ratione temporis* on grounds of delay in submission. However, a communication may constitute an abuse of the right of submission, when it is submitted after 5 years from the exhaustion of domestic remedies by the author of the communication, or, where applicable, after 3 years from the conclusion of another procedure of international investigation or settlement, unless there are reasons justifying the delay taking into account all the circumstances of the communication (CCPR/C/3/Rev.10).

168. This rule, in its amended form, applies to communications received by the Committee after 1 January 2012.

169. In case No. 2202/2012 (*Rodriguez Castañeda v. Mexico*), the State party claimed that the communication constituted an abuse of the right to submit a communication inasmuch as it was submitted six years after the last domestic remedy had been exhausted and because it sought to establish the Committee as a review body for a decision handed down by the Inter-American Commission on Human Rights. The Committee noted that the communication was submitted within three years of the conclusion of another procedure of international investigation or settlement and considered that, pursuant to rule 96 (c) of its rules of procedure, the timing of the submission of the communication in relation to the exhaustion of domestic remedies and to the decision of another international body did not constitute an abuse of the right to submit communications.

170. In case No. 1922/2009 (*Martinez et al. v. Algeria*), the Committee took note of the 15-year delay between the ratification of the Optional Protocol by the State party in 1989 and the submission of the communication to the Committee in 2004. The Committee was of the view that the authors had not provided any convincing explanation to justify their decision to wait until 2004 to submit their communication. In the absence of such an explanation, the Committee considered that submitting the communication after so long a delay amounted to an abuse of the right of submission and found the communication inadmissible under article 3 of the Optional Protocol.

(g) Inadmissibility because the same matter has been or is being examined under another procedure of international investigation or settlement (Optional Protocol, art. 5, para. 2 (a))

171. In case No. 1873/2009 (*Alekseev v. Russian Federation*), the Committee noted the State party's argument that the author had submitted three applications to the European Court of Human Rights regarding the State authorities' refusal to allow him to hold mass events and a picket concerning the rights of sexual minorities. The State party submitted that the applications before the European Court and the communication were of a similar nature, as they had been submitted by the same person and concerned the rights of the same group of persons (belonging to sexual minorities) and the actions of the same authorities. The Committee further notes the author's explanation that the applications before the European Court of Human Rights concerned different factual circumstances, namely the prohibition to hold pride marches or pickets proposed by the author as an alternative to a pride march, in the years 2006 to 2008, while the communication concerned the prohibition to hold a picket protesting the execution of homosexuals and minors in the Islamic Republic of Iran. The Committee recalled that the concept of "the same matter" within the meaning of article 5, paragraph (a), of the Optional Protocol was to be understood as including the same authors, the same facts and the same substantive rights. It was clear from the available information on the case file that the applications to the European Court of Human Rights concerned the same person and related to the same substantive rights as those invoked in the communication. However, the respective applications before the European Court did not relate to the particular event referred to in the communication. Consequently, the Committee considered that it was not precluded by article 5, paragraph 2 (a), of the Optional Protocol from examining the communication.

172. In case No. 1960/2010 (*Ory v. France*), the Committee recalled that, upon its acceptance of the Optional Protocol, the State party had entered a reservation to article 5, paragraph 2 (a), of the Protocol specifying that the Committee "shall not have competence to consider a communication from an individual if the same matter is being examined or has already been considered under another procedure of international investigation or settlement". The Committee noted, however, that the European Court of Human Rights had not "examined" the same case in the sense of the above provision of the Optional Protocol, inasmuch as the Court's decision pertained only to an issue of procedure. Accordingly, article 5, paragraph 2 (a), of the Optional Protocol, as modified by the State party's

reservation, did not represent an impediment to the examination of the communication by the Committee.

173. In case No. 2155/2012 (*Paksas v. Lithuania*), the Committee noted that the European Court of Human Rights had decided that the author's permanent and irreversible disqualification from holding parliamentary office violated his right to stand in parliamentary elections. The Committee also noted that, according to article 46, paragraph 2, of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the execution of final judgments of the European Court is supervised by the Committee of Ministers of the Council of Ministers, and considered that the matter was currently being actively examined under another procedure of international investigation or settlement. Accordingly, the Committee concluded that the author's claim related to his disqualification from parliamentary office was inadmissible under article 5, paragraph 2 (a), of the Optional Protocol, in the present circumstances.

(h) The requirement of exhaustion of domestic remedies (Optional Protocol, art. 5, para. 2 (b))

174. Pursuant to article 5, paragraph 2 (b), of the Optional Protocol, the Committee shall not consider any communication unless it has ascertained that the author has exhausted all available domestic remedies. However, it is the Committee's constant jurisprudence that the rule of exhaustion applies only to the extent that those remedies are effective and available. The State party is required to give details of the remedies which it submitted had been made available to the author in the circumstances of his or her case, together with evidence that there would be a reasonable prospect that such remedies would be effective. Furthermore, the Committee has held that authors must exercise due diligence in the pursuit of available remedies. Mere doubts or assumptions about their effectiveness do not absolve the authors from exhausting them.

175. In case No. 1808/2008 (*Kovalenko v. Belarus*), where the author claimed a violation of his right to freedom of expression, the State party challenged the admissibility on the ground that the author had not requested the Prosecutor's Office to have his administrative case examined under the supervisory review proceedings. The Committee noted the statistics provided to demonstrate that supervisory review was effective in a number of instances. However, the State party had not shown whether the procedure had been successfully applied in cases concerning freedom of expression or the right to peaceful assembly, and if so in how many cases. The Committee recalled its jurisprudence, according to which that kind of procedure for the review of court decisions that have already entered into force does not constitute a remedy which has to be exhausted for the purposes of article 5, paragraph 2 (b), of the Optional Protocol. A similar decision was taken by the Committee in cases Nos. 1851/2008 (*Sekerko v. Belarus*), 1864/2009 (*Kirsanov v. Belarus*), 1903/2009 (*Youbko v. Belarus*), 1910/2009 (*Zhuk v. Belarus*), 1919-1920/2009 (*Protsko and Tolchin v. Belarus*) and 1948/2010 (*Turchenyak et al. v. Belarus*).

176. In case No. 1879/2009 (*A.W.P. v. Denmark*), concerning claims related to incidents of hate speech by members of Parliament against Muslims, the State party argued that the author did not exhaust domestic remedies, by failing to institute proceedings for defamatory statements which are applicable to racist statements under sections 267 and 275(1) of the Criminal Code. However, the Committee considered that it would be unreasonable to expect the author to initiate separate proceedings under section 267, after having unsuccessfully invoked section 266 (b) of the Criminal Code in respect of circumstances directly implicating the language and object of that provision. Accordingly, the Committee concluded that domestic remedies had been exhausted.

177. In case No. 1881/2009 (*Shakeel v. Canada*), concerning the expulsion to Pakistan of the author, an asylum seeker in Canada, the Committee noted the State party's argument that the author had not exhausted domestic remedies because he filed a Humanitarian and

Compassionate application on 18 March 2009, which remained pending. The Committee recalled its jurisprudence to the effect that authors must avail themselves of all judicial remedies in order to fulfil the requirement of article 5, paragraph 2 (b) of the Optional Protocol, insofar as such remedies appear to be effective in the given case, and are de facto available to them. In the present case, the Committee observed that four years after the author's Humanitarian and Compassionate application was filed, it remained unanswered and considered that the delay in responding to the author's application was unreasonable. The Committee further observed that the pending Humanitarian and Compassionate application did not shield the author from deportation to Pakistan, and therefore could not be described as offering him an effective remedy. Accordingly, the Committee concluded that article 5, paragraph 2 (b), of the Optional Protocol did not preclude it from examining the communication. The Committee reached a similar conclusion in case No. 1898/2009 (*Choudhary v. Canada*).

178. In case No. 1908/2009 (*Ostavari v. Republic of Korea*), concerning the deportation of the author to the Islamic Republic of Iran, the Committee took note of the State party's argument that consultations on the author's settlement in a third country were ongoing; that a country of resettlement was suggested to the author, who was not prepared to engage in such process; and that the State party was not enforcing his deportation to the Islamic Republic of Iran pending the final outcome of the consultations. The Committee also took note of the author's argument that such consultations were indefinite and lacked legal force. The Committee observed that the procedure appeared to be discretionary, was not time bound, and did not appear to have formal suspensive effect with respect to the removal. The Committee recalled its jurisprudence to the effect that authors must avail themselves of all judicial remedies insofar as such remedies appear to be effective in the given case and are de facto available. Accordingly, the Committee considered that the consultations on the author's resettlement to a third country did not constitute a remedy that the author was required to exhaust.

179. In case No. 1935/2010 (*O.K. v. Latvia*), concerning the alleged failure of the State party to investigate the circumstances of the author's son violent death, the author acknowledged that she had failed to exhaust domestic remedies and argued that, owing to her mental health problems, the widespread corruption prevalent in the police at the time and the death threats she received against herself and her daughter served as a deterrent to submitting any complaints to the authorities. The Committee, however, observed that other than her initial complaint to the police, the author did not make any other attempt to contest the alleged ineffectiveness of the investigation apart from oral inquiries, the latest of which she had made a year after the death of her son. The Committee also observed that she had failed to substantiate any concrete instance of corruption associated with the investigation into the death of her son and that she did not provide any information on the alleged death threats. In these circumstances, the Committee considered that the author had not argued that the domestic remedies available to her were ineffective, nor that she was otherwise exempt from availing herself of those remedies. The Committee therefore concluded that the communication was inadmissible under article 5, paragraph 2 (b), of the Optional Protocol.

180. Some other communications or specific claims were declared inadmissible for failure to exhaust domestic remedies, including in cases Nos. 1960/2010 (*Ory v. France*) and 2104/2011 (*Valetov v. Kazakhstan*).

(i) Interim measures under rule 92 of the Committee's rules of procedure

181. Under rule 92 of its rules of procedure, the Committee may, after receipt of a communication and before adopting its Views, request a State party to take interim measures in order to avoid irreparable damage to the victim of the alleged violations. The

Committee continues to apply this rule on appropriate occasions, for instance in cases of imminent deportation or extradition which may involve or expose the author to a real risk of violation of rights protected under the Covenant.

182. In connection with the communications decided during the period under review, requests for the adoption of interim measures had been made in cases Nos. 1881/2009 (*Shakeel v. Canada*), 1897/2009 (*S.Y.L. v. Australia*), 1898/2009 (*Choudhary v. Canada*), 1908/2009 (*Ostavari v. Republic of Korea*), 1955/2010 (*Al-Gertani v. Bosnia and Herzegovina*), 2007/2010 (*X. v. Denmark*), 2094/2011 (*F.K.A.G. et al. v. Australia*), 2102/2011 (*Paadar et al. v. Finland*), 2104/2011 (*Valetov v. Kazakhstan*), 2177/2012 (*Johnson v. Ghana*) and 2202/2012 (*Rodriguez Castañeda v. Mexico*).

183. A request not to execute the death sentence in the case of the author's son was formulated by the Committee in connection with communication No. 1910/2009 (*Zhuk v. Belarus*). As the State party did not comply with the request, the Committee requested urgent clarification, drawing the State party's attention to the fact that non-respect of interim measures constituted a violation by States parties of their obligations to cooperate in good faith under the Optional Protocol to the Covenant. No response was received, following which the Committee issued a press release deploring the execution. In its Views on the case, the Committee recalled that a State party commits grave breaches of its obligations under the Optional Protocol if it acts to prevent or to frustrate consideration by the Committee of a communication alleging a violation of the Covenant, or to render examination by the Committee moot and the expression of its Views concerning the implementation of the State party's obligations under the Covenant nugatory and futile. The State party breached its obligations under the Optional Protocol by executing the alleged victim before the Committee concluded its consideration of the communication.

184. The Committee recalled the above principles also in case No. 2104/2011 (*Valetov v. Kazakhstan*), concerning the extradition of the author to Kyrgyzstan despite the fact that his communication was under consideration by the Committee and that a request for interim measures had been formulated. The Committee held that it is an obligation of the State party to organize the transmittal of the Committee's requests to the responsible authorities within its territory in a way that would allow the request to be implemented in a timely manner. By the time of extradition, the author was in possession of the Committee's letter and he alerted officers in the detention centre about the request made by the Committee under the rule 92 of the Committee's rules of procedure, but that information was ignored. The Committee recalled that interim measures are essential to the Committee's role under the Optional Protocol. Flouting of the rule, especially by irreversible measures such as, as in the present case, the author's extradition, undermines the protection of Covenant rights through the Optional Protocol. In the Committee's view, those circumstances disclosed a manifest breach by the State party of its obligations under article 1 of the Optional Protocol.

2. Substantive issues

(a) The right to an effective remedy (Covenant, art. 2, para. 3)

185. In case No. 1879/2009 (*A.W.P. v. Denmark*) the Committee recalled that article 2 may be invoked by individuals only in relation to other provisions of the Covenant. A State party cannot reasonably be required, on the basis of article 2, paragraph 3 (b), to make such procedures available in respect of complaints which are insufficiently founded and where the author has not been able to prove that he was a direct victim of such violations.

186. In case No. 1832/2008 (*Al Khazmi v. Libya*), the authors initiated legal proceedings, sought the intervention of the General People's Committee for Justice, and requested the initiation of criminal proceedings against suspects in the death of Ismail Al Khazmi after an autopsy report established that he had died as a result of torture. However, all their efforts

were to no avail, and the State party failed to conduct a prompt, thorough and impartial investigation and to prosecute the perpetrators, despite the presentation of clear evidence from its own authorities that Ismail Al Khazmi died as a result of torture inflicted while he was in the State party's custody. The Committee concluded that the facts before it revealed a violation of article 2 (para. 3), read in conjunction with articles 6 (para. 1), 7, 9 and 16 of the Covenant with regard to Ismail Al Khazmi, and of article 2 (para. 3), read in conjunction with article 7 of the Covenant, with respect to the authors. The Committee reached a similar conclusion in cases of enforced disappearances Nos. 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1884/2009 (*Aouali et al. v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1874/2009 (*Mihoubi v. Algeria*), 1889/2009 (*Marouf v. Algeria*), 1899/2009 (*Terafi v. Algeria*), 1900/2009 (*Mehalli v. Algeria*) and 2006/2010 (*Almegaryaf and Matar v. Libya*).

187. In case No. 1865/2009 (*Sedhai v. Nepal*), involving the victim's disappearance, although his family repeatedly contacted the competent authorities, including judicial authorities such as the Police Headquarters, the District Police and the Supreme Court of Nepal, all their efforts led to nothing, and the State party failed to conduct a thorough and effective investigation. Furthermore, the reference by the State party to procedures that were not yet operative (the Truth and Reconciliation Commission and the commission on disappearances as mandated by the 2007 Interim Constitution of Nepal and the 2006 Comprehensive Peace Agreement) was not sufficient to consider that the author had access to an effective remedy. Additionally, the announcement by the State party that the 100,000 rupees received by the family as interim relief would be complemented by a relief package that should be determined on the basis of the recommendations made by the same transitional justice mechanisms that were still pending implementation did not guarantee the author an effective remedy either. The Committee therefore concluded that the facts revealed a violation of article 2 (para. 3), read in conjunction with article 6 (para. 1), article 7, article 9, and article 10 (para. 1), with regard to the disappeared person; and article 2 (para. 3), read in conjunction with article 7 of the Covenant with respect to his wife and children.

188. In case No. 1885/2009 (*Horvath v. Australia*), concerning the non-enforcement of a judgement providing compensation to the author for police misconduct, the author claimed that the State party had failed to ensure that the perpetrators were tried before a criminal court and that her complaints before the disciplinary bodies of the Police were unsuccessful. In that connection, the Committee considered that article 2, paragraph 3, of the Covenant does not impose on State parties any particular form of remedy and that the Covenant does not provide a right for individuals to require that the State criminally prosecute a third party. However, article 2, paragraph 3, does impose on States parties the obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies. Furthermore, in deciding whether the victim of a violation of the Covenant has obtained adequate reparation the Committee can take into consideration the availability and effectiveness not just of one particular remedy but the cumulative effect of several remedies of different nature, such as criminal, civil, administrative or disciplinary. In the present case, the disciplinary claims before the Police Department were dismissed for lack of evidence. In that respect, the Committee noted that neither the author nor the other civilian witnesses were called to give evidence; that the author was refused access to the file; that there was no public hearing; and that once the finding was made in the civil proceeding, there was no opportunity to reopen or recommence the disciplinary proceedings. In view of those shortcomings and given the nature of the deciding body, the Committee considered that the State party failed to show that the disciplinary proceedings met the requirements of an effective remedy under article 2, paragraph 3, of the Covenant. The Committee further noted that the author was successful in her civil suit and that compensation was ordered by the national judicial

bodies. However, her efforts to seek the enforcement of the final judgement were unsuccessful and she was left with no other option but to accept a final settlement involving a quantum which represented a small portion of the quantum granted to her at court.

189. With reference to section 123 of the Police Regulations Act (Vic), the Committee noted that the provision limited the responsibility of the State for wrongful acts committed by its agents without providing for an alternative mechanism for full compensation for violations of the Covenant by State agents. Under those circumstances, the Committee considered that section 123 was incompatible with article 2, paragraphs 2 and 3, of the Covenant, as a State cannot elude its responsibility for violations of the Covenant committed by its own agents. The Committee further considered that actions for damages in the domestic courts may provide an effective remedy in cases of alleged unlawfulness or negligence by State agents and recalled that the obligation of States under article 2, paragraph 3, encompasses not only the obligation to provide an effective remedy, but also the obligation to ensure that the competent authorities enforce such remedies when granted. That obligation means that State authorities have the burden to enforce judgments of domestic courts which provide effective remedies to victims. In order to ensure that, State parties should use all appropriate means and organize their legal system in such a way as to guarantee the enforcement of remedies in a manner that is consistent with their obligations under the Covenant. In the present case, the success of the author in obtaining compensation in her civil claim had been nullified by the impossibility of having the judgement of the Court of Appeal adequately enforced, due to factual and legal obstacles. In situations where the execution of a final judgment becomes impossible in view of the circumstances of the case, other legal avenues should be available in order for the State to comply with its obligation to provide adequate redress to a victim. In the present case the State party had not shown that such alternative avenues existed or were effective. In view of the foregoing, including the shortcomings regarding the disciplinary proceedings, the Committee considered that the facts before it revealed a violation of article 2 (para. 3), in connection with articles 7, 9 (para. 1) and 17 of the Covenant.

190. In case No. 1997/2010 (*Rizvanović v. Bosnia and Herzegovina*), concerning the enforced disappearance of the authors' relative in 1992, the authors claimed that, despite their numerous efforts, no prompt, impartial, thorough and independent investigation had been carried out by the State party to clarify his fate and whereabouts and to bring the perpetrators to justice. The Committee noted the State party's information that it had made considerable efforts at the general level in view of the more than 30,000 cases of enforced disappearances that occurred during the conflict in the country. Notably, the Constitutional Court had established that the authorities of the State party were responsible for the investigation of the disappearance; domestic mechanisms had been set up to deal with enforced disappearances and other war crimes cases; and DNA samples from a number of unidentified bodies had been compared with the relatives' DNA samples.

191. The Committee recalled its jurisprudence, according to which the obligation to investigate allegations of enforced disappearances and to bring the perpetrators to justice is not an obligation of result, but of means, and that it must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities of the State party. However, the Committee noted that no specific measures had been undertaken to investigate the arbitrary deprivation of liberty, ill-treatment and enforced disappearance of the victim and to bring to justice those responsible. The Committee also noted that the limited information that the family had managed to obtain throughout the proceedings was only provided to them at their own request, or after very long delays, and considered that information on the investigation of enforced disappearances must be made promptly accessible to the families. Accordingly, the Committee concluded that, in the circumstances, the facts before it revealed a violation of article 2, paragraph 3, of the

Covenant, read in conjunction with articles 6, 7 and 9 with regard to the authors and their disappeared relative.

(b) Right to life (Covenant, art. 6)

192. In case No. 1832/2008 (*Al Khazmi v. Libya*), the authors claimed that Ismail Al Khazmi, their son and brother, was arrested in 2006 at his workplace by members of the internal security forces, and taken to an unknown destination. The family never received any official confirmation of his place of detention. The Committee recalled that, in cases of enforced disappearance, the act of deprivation of liberty, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate of the disappeared person, denies the person the protection of the law and places his or her life at serious and constant risk, for which the State is accountable. In addition to the victim's enforced disappearance, the Committee took note of the authors' assertion that Ismail Al Khazmi was last seen alive on 29 June 2006, after a severe incident of torture, further to which he was taken by security agents to an unknown location in a critical condition; and that his death was reported to his family by the prison authorities on 1 May 2007. The Committee gave due weight to the evidence submitted by the authors, consisting of a report of the Prosecutor's Office according to which Ismail Al Khazmi's death was the consequence of severe injuries resulting from multiple blows with a blunt object. When it received the report, the General People's Committee for General Security refused to open a criminal case against the suspects involved in the death. Accordingly, the Committee considered that the State party had violated Ismail Al Khazmi's right to life, in breach of article 6, paragraph 1, of the Covenant. Violations of this provision were also found in the following cases of enforced disappearance: Nos. 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1884/2009 (*Aouali et al. v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1874/2009 (*Mihoubi v. Algeria*), 1889/2009 (*Marouf v. Algeria*), 1865/2009 (*Sedhai v. Nepal*), 2006/2010 (*Almegaryaf and Matar v. Libya*), as well as in case No. 1900/2009 (*Mehalli v. Algeria*), regarding the killing by the police of one of the victims.

193. In case No. 1881/2009 (*Shakeel v. Canada*), the Committee had to decide whether the author's removal to Pakistan would expose him to a real risk of irreparable harm. The author, a Christian pastor, claimed to have been persecuted by Muslim fundamentalists and that a fatwa and First Information Report had been filed against him under the blasphemy law. The Committee found that, in the circumstances, and notwithstanding the inconsistencies highlighted by the State party, insufficient attention had been given to the author's allegations about the real risk he might face if deported to his country of origin. Inter alia, the State party had failed to undertake any serious examination of the authenticity of the fatwa and to take into account the uncontested medical reports submitted by the author which pointed to risks for his mental health in the event of a forcible return to Pakistan. The Committee accordingly considered that the expulsion of the author would constitute a violation of article 6, paragraph 1, and article 7 of the Covenant.

194. In case No. 1898/2009 (*Choudhary v. Canada*), concerning the expulsion of the author, a Shia member, to Pakistan, the Committee observed that, because of his apparent failure to establish his identity at the initial stage of the procedure, the author was not given any further opportunity, in the framework of the Immigration and Refugee Board, to have his refugee claim assessed, even though his identity was later confirmed. While the author's claim that he faced a risk of being tortured and threats to his life if sent back to Pakistan was assessed during the Pre Removal Risk Assessment procedure, such limited assessment could not replace the thorough assessment which should have been performed by the Immigration and Refugee Board. Notwithstanding the deference given to the immigration authorities to appreciate the evidence before them, the Committee considered that further analysis should have been carried out in this case. In that regard, the Committee noted that recent reports pointed to the fact that religious minorities, including Shias, continued to face

fierce persecution and insecurity; that the Pakistani authorities were unable, or unwilling, to protect them; that the Government of Pakistan had dropped a proposed amendment to section 295(C) of the Criminal Code (i.e. the blasphemy law); and that there had been an upsurge of blasphemy cases in 2012. The Committee also noted the author's allegations that a fatwa had been issued and a First Information Report filed against him under the blasphemy law. While death sentences had reportedly not been carried out, several instances of extrajudicial assassination, by private actors, of members of religious minorities accused under the blasphemy law had been reported, without the Pakistani authorities being willing, or able, to protect them. The Committee therefore considered, in the circumstances, that the expulsion of the author and his family would constitute a violation of articles 6 (para. 1) and 7, read in conjunction with article 2, paragraph 3, of the Covenant.

195. In case No. 1910/2009 (*Zhuk v. Belarus*), the Committee reiterated its jurisprudence that the imposition of a sentence of death upon conclusion of a trial in which the provisions of article 14 of the Covenant have not been respected constitutes a violation of article 6 of the Covenant. In the light of its findings of a violation of article 14, paragraphs 1, 2 and 3 (b) (d) and (g), of the Covenant, the Committee concluded that the final sentence of death and the execution of Mr. Zhuk were passed without having met the requirements of article 14, and that as a result his right to life under article 6 of the Covenant had been violated.

196. In case No. 2177/2012 (*Johnson v. Ghana*), concerning the mandatory imposition of the death penalty, the Committee noted that, in the case of the author, there was no room for judicial discretion at the first instance or appeal courts so as not to impose the only sentence provided by law, that is, the death penalty, after he had been convicted for murder. While the State party's legislation excluded the imposition of the death penalty for certain categories of persons, the mandatory imposition of the death penalty for any other offender was based solely upon the category of crime for which the offender was found guilty, with no margin for the judge to evaluate the circumstances of the particular offence. In that context, the Committee referred to its jurisprudence to the effect that the automatic and mandatory imposition of the death penalty constitutes an arbitrary deprivation of life, in violation of article 6, paragraph 1, of the Covenant, in circumstances where the death penalty is imposed without regard to the defendant's personal circumstances or the circumstances of the particular offence. The existence of a de facto moratorium on the death penalty is not sufficient to make a mandatory death sentence consistent with the Covenant. Furthermore, the Committee recalled that the existence of a right to seek pardon or commutation, as required under article 6, paragraph 4, of the Covenant, did not secure adequate protection to the right to life, as these discretionary measures by the executive are subject to a wide range of other considerations compared to appropriate judicial review of all aspects of a criminal case. It followed that the automatic imposition of the death penalty in the author's case, by virtue of Section 46 of the Criminal and Other Offences Act, violated the author's rights under article 6, paragraph 1, of the Covenant.

(c) Right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Covenant, art. 7)

197. In case No. 1405/2005 (*Pustovoit v. Ukraine*), the Committee held that the State party had failed to demonstrate that placing the author in a metal cage during the public trial at the Supreme Court, with his hands handcuffed behind his back, was necessary for the purpose of security or the administration of justice, and that no alternative arrangements could have been made consistent with the human dignity of the author and with the need to avoid presenting him to the court in a manner indicating that he was a dangerous criminal. The State party also failed to demonstrate that handcuffing the author while he was studying the trial transcript or during the examination of his appeal by the Supreme Court was consistent with his right to have adequate facilities for the preparation of his defence.

Accordingly, the Committee concluded that the facts as presented revealed a violation of the author's rights under article 7 of the Covenant, on account of the degrading treatment inflicted on him during the trial; a violation of his rights under article 14 (para. 3 (b)) of the Covenant, on account of the interference with the preparation of his defence; and a violation of his rights under article 7 in conjunction with article 14 (para. 1) of the Covenant, on account of the degrading treatment which affected the fairness of his trial.

198. In case No. 1908/2009 (*Ostavari v. Republic of Korea*), concerning the deportation of the author to the Islamic Republic of Iran, the Committee observed that the author converted to Christianity and that he was visited during his detention in the Republic of Korea by Iranian officials, whom he informed of his conversion. In that regard, the Committee took note of reports indicating that, although apostasy is not codified as a crime under Iranian law, it may be treated as such by prosecutors and judges to charge religious converts with apostasy, which has reportedly led to a number of arbitrary arrests, imprisonment in solitary confinement, torture, convictions and even executions. The Committee further noted that the author had obtained a bachelor's degree in theology and that Christians engaged in proselytizing in the Islamic Republic of Iran are exposed to serious risks of persecution, an aspect that had not been examined in the course of deportation proceedings. Accordingly, the Committee concluded that the State party had failed to give due consideration to the personal risk faced by the author in the Islamic Republic of Iran, not only as a Christian convert, but also as a theologian with a conspicuous evangelist profile, and considered that the author would be exposed to a real risk of irreparable harm under article 6, paragraph 1, and article 7 of the Covenant if he were forcibly returned to the Islamic Republic of Iran.

199. In case No. 1910/2009 (*Zhuk v. Belarus*), the author claimed that her son had been subjected to physical and psychological pressure with the purpose of eliciting a confession of guilt and that his confession served as a basis for his conviction. The Committee recalled that, once a complaint about ill-treatment contrary to article 7 has been filed, a State party must investigate it promptly and impartially. Furthermore, the safeguard laid down in article 14, paragraph 3 (g), of the Covenant must be understood in terms of the absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the accused, with a view to obtaining a confession of guilt. The Committee noted that, despite the medical certificate evidencing injuries on the body of the author's son, which was submitted by the defence lawyers during the cassation proceedings, the State party had not presented any information to demonstrate that it had conducted any investigation into the ill-treatment allegations. In these circumstances, due weight had to be given to the author's claims and the Committee concluded that the facts disclosed a violation of Mr. Zhuk's rights under articles 7 and 14 (para. 3 (g)) of the Covenant.

200. In case No. 1865/2009 (*Sedhai v. Nepal*), the Committee held that the acts of torture to which the victim was exposed, his incommunicado detention and enforced disappearance, as well as his conditions of detention, revealed singular and cumulative violations of article 7. Violations of this provision were also found in the following cases concerning enforced disappearances: Nos. 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1884/2009 (*Aouali et al. v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1874/2009 (*Mihoubi v. Algeria*), 1832/2008 (*Al Khazmi v. Libya*), 1899/2009 (*Terafi v. Algeria*), 1900/2009 (*Mehalli v. Algeria*) and 2006/2010 (*Almegaryaf and Matar v. Libya*), not only with respect to the disappeared person but also regarding family members.

201. In case No. 1889/2009 (*Marouf v. Algeria*), concerning the enforced disappearance of the author's son and husband, the Committee noted that the authorities of the State party robbed and vandalized the family home and storeroom on the night of and days following the victims' arrest; that those acts of destruction were ordered without a warrant; and that the author and her family looked on helplessly as their husband and father were tortured

and as their home and storeroom were robbed and vandalized. Under the circumstances, the Committee considered that those acts amounted to reprisals and intimidation causing intense mental suffering for the author and her family, in violation of article 7 of the Covenant.

202. In case No. 1890/2009 (*Baruani v. Democratic Republic of the Congo*), the Committee found that the treatment to which the author was subjected by officials of the national intelligence services, with the aim of obtaining a confession of his involvement with the Government of Rwanda and his plan to overthrow the Government of the Democratic Republic of the Congo, revealed a violation of article 7 of the Covenant.

203. In case No. 1997/2010 (*Rizvanović v. Bosnia and Herzegovina*), concerning the enforced disappearance of the authors' relative, the Committee noted that the social allowance provided to the authors depended upon their acceptance to recognize their missing relative as dead, while there was no certainty as to his fate and whereabouts. The Committee considered that to oblige families of disappeared persons to have the family member declared dead in order to be eligible for compensation while the investigation is ongoing makes the availability of compensation dependent on a harmful process, and constitutes inhuman and degrading treatment in violation of article 7 read alone and in conjunction with article 2, paragraph 3, of the Covenant with respect to the authors.

204. In case No. 2007/2010 (*X. v. Demark*), concerning the deportation of the author to Eritrea, the Committee noted, inter alia, that credible sources indicated that illegal emigrants, failed asylum seekers, and draft evaders risked serious ill-treatment upon repatriation to Eritrea, and that the author asserted that he would have to refuse military service on the basis of his conscience. The Committee considered that the State party did not adequately address the concern that the author's personal circumstances, including his inability to prove that he left Eritrea legally, might lead to him being designated as a failed asylum seeker and as an individual who had not completed the compulsory military service requirement in Eritrea or as a conscientious objector. Accordingly, the Committee considered that the State party failed to recognize the author's potential status as an individual subject to a real risk of treatment contrary to the requirements of article 7 and that his deportation to Eritrea, if implemented, would constitute a violation of that provision.

205. In case No. 2104/2011 (*Valetov v. Kazakhstan*), the Committee observed that the decision of the Kazakh authorities to extradite the author to Kyrgyzstan, without conducting a proper investigation of the allegations of torture and ignoring credible reports of a widespread use of torture against detainees there, as well as the unjustified refusal to carry out a medical examination prior to his extradition, pointed at serious irregularities in the decision-making procedures and demonstrated that the State party had failed to consider important risk factors associated with an extradition. The Committee further noted that the failure of the State party to subsequently visit the author and monitor conditions of his detention indicated that the procurement of assurances from the Office of the Prosecutor General of Kyrgyzstan should not have been accepted by the State party as an effective safeguard against the risk of violation of the rights of author. Accordingly, the Committee concluded that the author's extradition amounted to a violation of article 7.

206. In cases No. 2094/2011 (*F.K.A.G. v. Australia*) and 2136/2012 (*M.M.M. et al. v. Australia*), concerning the indefinite detention of persons in immigration detention facilities pending deportation, the Committee considered that the combination of the arbitrary character of the authors' detention, its protracted and/or indefinite duration, the refusal to provide information and procedural rights to the authors and the difficult conditions of detention were cumulatively inflicting serious psychological harm upon them, and constituted treatment contrary to article 7 of the Covenant.

207. In case No. 2149/2012 (*M.I. v. Sweden*), the author, whose asylum request had been rejected, claimed that her return to Bangladesh would expose her to a risk of torture and other cruel, inhuman or degrading treatment or punishment, due to her sexual orientation. The Committee observed that the author's sexual orientation and her allegations of rape by Bangladeshi policemen while in detention were not challenged by the State party; that her sexual orientation was in the public domain and well known to the authorities; that she suffered from severe depression with high risk of committing suicide despite medical treatment received in the State party; that section 377 of the Criminal Code of Bangladesh forbids homosexual acts; and that homosexuals are stigmatized in Bangladesh society. The Committee considered that the existence of such a law in itself fostered the stigmatization of lesbian, gay, bisexual and transgender individuals and constituted an obstacle to the investigation and sanction of acts of persecution against those persons. In deciding her asylum request, the State party's authorities focused mainly on inconsistencies and ambiguities in the author's account of specific supporting facts. However, those inconsistencies and ambiguities were not of a nature as to undermine the reality of the feared risks. Against the background of the situation faced by persons belonging to sexual minorities, as reflected in reports provided by the parties, the Committee was of the view that, in the particular case of the author, the State party failed to take into due consideration the author's allegations regarding the events she experienced in Bangladesh because of her sexual orientation — in particular her mistreatment by the police — in assessing the alleged risk she would face if returned to her country of origin. Accordingly, in such circumstances, the Committee considered that the author's deportation to Bangladesh would constitute a violation of article 7 of the Covenant.

(d) Liberty and security of person (Covenant, art. 9)

208. In case No. 1890/2009 (*Baruani v. Democratic Republic of the Congo*), the information before the Committee suggested that the author was arrested without a warrant by the Presidential Special Police Department and accused of being a spy for Rwanda and looking to stage a coup against the President. However, the information did not show that formal charges were presented against the author, or that he was informed of the reasons for his arrest, or its legal basis. He was held in detention from 16 April 2002 until July 2002, without access to legal assistance, and had no contact with his family until his release in October 2002. Furthermore, he was taken to court without prior notice, no evidence was presented against him and he was never convicted of any crime. In the absence of any explanations by the State party on the legality, reasonableness and necessity of the author's detention, the Committee considered that there had been a violation of article 9, paragraph 1.

209. In case No. 2094/2011 (*F.K.A.G. et al. v. Australia*), concerning the detention of persons in immigration detention facilities pending deportation, the authors claimed that their mandatory detention upon arrival in the country and its continuous and indefinite character for security reasons was unlawful and arbitrary. The Committee found that asylum seekers who unlawfully enter a State party's territory may be detained for a brief initial period in order to document their entry, record their claims and determine their identity if it is in doubt. To detain them further while their claims are being resolved would be arbitrary absent particular reasons specific to the individual, such as an individualized likelihood of absconding, danger of crimes against others, or risk of acts against national security. The decision must consider relevant factors case by case, and not be based on a mandatory rule for a broad category; must take into account less invasive means of achieving the same ends, such as reporting obligations, sureties or other conditions to prevent absconding; and must be subject to periodic re-evaluation and judicial review. The decision must also take into account the needs of children and the mental health condition of those detained. Individuals must not be detained indefinitely on immigration control

grounds if the State party is unable to carry out their expulsion. The Committee observed that the authors had been kept in immigration detention since 2009 or 2010, first under mandatory detention upon arrival and then as a result of adverse security assessments. Whatever justification there may have been for an initial detention, for instance for purposes of ascertaining identity and other issues, the State party had not, in the Committee's opinion, demonstrated on an individual basis that their continuous indefinite detention was justified. The State party had not demonstrated that other, less intrusive, measures could not have achieved the same end of compliance with the State party's need to respond to the security risk that the adult authors were said to represent. Furthermore, the authors had been kept in detention in circumstances where they were not informed of the specific risk attributed to each of them and of the efforts undertaken by the Australian authorities to find solutions which would allow them to obtain their liberty. They were also deprived of legal safeguards allowing them to challenge their indefinite detention. For all those reasons, the Committee concluded that the detention was arbitrary and contrary to article 9, paragraph 1, of the Covenant. A similar conclusion was reached in case No. 2136/2012 (*M.M.M. et al. v. Australia*), also concerning indefinite detention of persons in immigration facilities.

210. In case No. 1955/2010 (*Al-Gertani v. Bosnia and Herzegovina*), the author had remained in custody since 2009 on account of threat to the legal system, public order, peace and security of Bosnia and Herzegovina and of doubts on his real identity. The author was never provided with the reasons or evidence that led the authorities to the conclusion that he was a threat to its national security or any specific explanation of why he could not receive any information on this subject. The Committee considered that, while the initial arrest and detention may have been justified on the basis of information available to the State party, the latter had failed to justify the necessity of continued and prolonged detention since 2009 and to demonstrate that other, less intrusive, measures could not have achieved the same end. Accordingly, the Committee considered that the author's detention violated his rights under article 9, paragraph 1, of the Covenant.

211. In a number of communications the Committee found violations of article 9 in general. This was true in case No. 1856/2008 (*Sevostyanov v. Russian Federation*), and in cases involving enforced disappearances Nos. 1832/2008 (*Al Khazmi v. Libya*), 1865/2009 (*Sedhai v. Nepal*), 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1884/2009 (*Aouali et al. v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1874/2009 (*Mihoubi v. Algeria*), 1889/2009 (*Marouf v. Algeria*), 1899/2009 (*Terafi v. Algeria*), 1900/2009 (*Mehalli v. Algeria*) and 2006/2010 (*Almegaryaf and Matar v. Libya*).

(e) Right to be informed about the reasons for one's arrest (Covenant, art. 9, para. 2)

212. In case No. 1955/2010 (*Al-Gertani v. Bosnia and Herzegovina*), the Committee recalled that one major purpose of requiring that all arrested persons be informed of the reasons for the arrest is to enable them to seek release if they believe that the reasons given are invalid or unfounded; and that the reasons must include not only the general basis of the arrest, but enough factual specifics to indicate the substance of the complaint. In the present case the Committee was of the view that the lack of information provided by the administrative authorities to the author when he was placed in detention and to the Courts on the reasons why he was considered a threat to the security in practice undermined his right to seek release before a court. Accordingly, the Committee concluded that by not providing that information to the author the State party violated his right under article 9, paragraph 2, of the Covenant.

213. The Committee also found violations of the provision in cases Nos. 1890/2009 (*Baruani v. Democratic Republic of the Congo*) and 2094/2011 (*F.K.A.G. et al. v. Australia*).

(f) *Right to be brought promptly before a judge (Covenant, art. 9, para. 3)*

214. In case No. 1592/2007 (*Pichugina v. Belarus*) the author claimed that her rights were violated because, from 20 to 30 April 2002, i.e. from the moment of her apprehension until the moment of her release, she was never brought before a judge. The Committee recalled that, while the meaning of the term "promptly" in article 9, paragraph 3, of the Covenant must be determined on a case-by-case basis, general comment No. 8 (1982) on the right to liberty and security of persons and its case law have indicated that delays should not exceed a few days. The Committee has recommended on numerous occasions, in the context of consideration of the States parties' reports submitted under article 40 of the Covenant that the period of police custody before a detained person is brought before a judge should not exceed 48 hours. Any longer period of delay would require special justification to be compatible with article 9, paragraph 3, of the Covenant. In the present case, the State party failed to provide any explanation as to the necessity of detaining the author from 20 April to 30 April 2002, without bringing her before a judge, other than the fact that she did not initiate a complaint. The inactivity of a detained person is not a valid reason to delay bringing her before a judge. In the circumstances of the communication, the Committee concluded that there had been a breach of article 9, paragraph 3, of the Covenant. A similar conclusion was reached in cases No. 1910/2009 (*Zhuk v. Belarus*) and No. 1890/2009 (*Baruani v. Democratic Republic of the Congo*), where there had been delays of three months to bring the respective victims before a judge.

(g) *Right to take proceedings before a court regarding the lawfulness of detention (Covenant, art. 9, para. 4)*

215. In case No. 1955/2010 (*Al-Gertani v. Bosnia and Herzegovina*), the Committee concluded that the courts had no access to the information leading the Intelligence and Security Agency to the conclusion that the author was considered a threat to the public order, peace and security of the State party and did not question the reasons why they themselves could not be informed of the grounds on which such assessment was based. Accordingly, the Committee found that the review of the lawfulness of the author's detention by the courts of the State party was not commensurate with the standards of review required by article 9, paragraph 4, and thus violated this provision.

216. In cases No. 2094/2011 (*F.K.A.G. et al. v. Australia*) and 2136/2012 (*M.M.M. et al. v. Australia*), the Committee recalled its jurisprudence that judicial review of the lawfulness of detention under article 9, paragraph 4, is not limited to mere compliance of the detention with domestic law but must include the possibility to order release if the detention is incompatible with the requirements of the Covenant, in particular those of article 9, paragraph 1.

217. A violation of article 9, paragraph 4, of the Covenant was also found in case No. 1890/2009 (*Baruani v. Democratic Republic of the Congo*).

(h) *Treatment during imprisonment (Covenant, art. 10, para. 1)*

218. The Committee found violations of this provision in cases involving enforced disappearances Nos. 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1884/2009 (*Aouali et al. v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1874/2009 (*Mihoubi v. Algeria*), 1865/2009 (*Sedhai v. Nepal*), 1889/2009 (*Marouf v. Algeria*) and 2006/2010 (*Almegaryaf and Matar v. Libya*).

(i) *Right to liberty of movement and freedom to choose residence (Covenant, art. 12)*

219. In case No. 1960/2010 (*Ory v. France*), the author, a member of the Traveller community, claimed that, by fining him for the criminal offence of lacking a valid stamp on

his travel permit, the State party violated his right to move about freely within the territory of the State party. The State party argued that the restrictions imposed on the application of article 12 by Act No. 69-3 of 3 January 1969 were consistent with paragraph 3 of that article because they were justified by reasons of public order. In particular, the requirement to have a stamped travel permit permitted the maintenance of an administrative link with members of the itinerant population and to carry out checks as necessary. The Committee observed, however, that the State party had not demonstrated that the requirement to have the travel card stamped at close regular intervals and to make a failure to fulfil that obligation subject to criminal charges were necessary and proportional measures to obtain the desired result. The Committee therefore concluded that this restriction of the author's right to liberty of movement was not compatible with the conditions set forth in article 12, paragraph 3, and consequently constituted a violation of article 12, paragraph 1.

(j) Right to fair trial (Covenant, art. 14)

220. In case No. 1910/2009 (*Zhuk v. Belarus*), the Committee held that, in the light of its findings that the State party failed to comply with the guarantees of a fair trial under article 14, paragraphs 2 and 3 (b), (d) and (g), of the Covenant, the Committee was of the view that Mr. Zhuk's trial suffered from irregularities which, taken as a whole, amounted to a violation of article 14, paragraph 1.

221. In case No. 2155/2012 (*Paksas v. Lithuania*), the Committee recalled that there is no determination of rights and obligations in a suit at law where the persons concerned were confronted with measures taken against them in their capacity as persons subordinated to a high degree of administrative or parliamentary control, such as the impeachment procedure. Similarly, the outcome of the impeachment proceedings was not to charge the author with a "criminal offence" and to hold him "guilty of a criminal offence" within the meaning of article 15 of the Covenant. Accordingly, the author's claims regarding the violation of his right to a fair hearing with reference to articles 14 and 15 of the Covenant were found incompatible *ratione materiae* with the provisions of the Covenant and inadmissible under article 3 of the Optional Protocol.

(k) Right to the presumption of innocence (Covenant, art. 14, para. 2)

222. In case No. 1910/2009 (*Zhuk v. Belarus*), the author claimed that State officials made public statements about her son's guilt before his conviction and that mass media made materials of the preliminary investigation available to the public at large before the consideration of his case by the court. Moreover, he was kept in a metal cage throughout the court proceedings and the photographs of him behind metal bars in the courtroom were published in the local media. The Committee recalled its jurisprudence as reflected in its general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, according to which "the presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle". The same general comment refers to the duty of all public authorities to refrain from prejudging the outcome of a trial, including by abstaining from making public statements affirming the guilt of the accused. It further states that defendants should normally not be shackled or kept in cages during trial or otherwise presented to the court in a manner indicating that they may be dangerous criminals and that the media should avoid news coverage undermining the presumption of innocence. On the basis of the information before it and in the absence of any response from the State party, the Committee considered that the presumption of innocence of Mr. Zhuk had been violated.

(l) *Right to adequate time and facilities for the preparation of one's defence and to communicate with counsel of one's own choosing (Covenant, art. 14, para. 3 (b))*

223. In case No. 1795/2008 (*Zhirnov v. Russian Federation*), concerning criminal proceedings against the author, the Committee observed that the author was not provided with the opportunity to make copies of the case file materials and that the limited time granted for review of such materials did not allow him to take notes by hand. Furthermore, he did not have the opportunity to review parts of the case file at all, including video evidence that he saw for the first time during the trial. The Committee also noted that, on specific dates, the author was denied the opportunity to review certain case files in the presence of his lawyer, as he was entitled to under the law. Taking into consideration the seriousness of the charges against the author, one of which was punishable by death at the time of the proceedings, the Committee considered that he was not provided with adequate time and facilities for the preparation of his defence and that his rights under article 14, paragraph 3 (b), of the Covenant had thus been violated.

224. The Committee also found violation of this provision in case No. 1910/2009 (*Zhuk v. Belarus*).

(m) *Right to have one's conviction and sentence being reviewed by a higher tribunal (Covenant, art. 14, para. 5)*

225. In case No. 1856/2008 (*Sevostyanov v. Russian Federation*), the author claimed that the appellate court did not conduct a full review of the criminal case against him, in violation of article 14, paragraph 5, of the Covenant. The Committee observed that under this provision, a higher tribunal must review the conviction and sentence, but need not proceed to a factual retrial. However, the State party has a duty to review substantively, both on the basis of sufficiency of the evidence and of the law, the conviction and sentence such that the procedure allows for due consideration of the nature of the case. A review that is limited to the formal or legal aspects of the conviction without any consideration whatsoever of the facts is not sufficient under the Covenant. In the present case, the appellate court, despite the limitations imposed on it by procedural law with regard to the examination of facts, not only considered the grounds for cassation, submitted by the author in his appeal, in general but also examined the evidence reviewed by the first instance court and considered that the conclusions of the contested judgment regarding the facts of the case and the guilt of the author were well reasoned. In the light of the circumstances of the case, the Committee found that the facts before it did not reveal any violation of article 14, paragraph 5, of the Covenant

(n) *Right to recognition as a person before the law (Covenant, art. 16)*

226. In cases concerning enforced disappearances, the Committee reiterated its established jurisprudence according to which the intentional removal of a person from the protection of the law for a prolonged period of time may constitute a refusal to recognize that person as a person before the law, if the victim was in the hands of the State authorities when last seen, and if the efforts of his or her relatives to obtain access to potentially effective remedies, including judicial remedies, have been systematically impeded. The Committee therefore found violations of this provision in cases Nos. 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1874/2009 (*Mihoubi v. Algeria*), 1832/2008 (*Al Khazmi v. Libya*), 1884/2009 (*Aouali et al. v. Algeria*), 1889/2009 (*Marouf v. Algeria*), 1899/2009 (*Terafi v. Algeria*), 1900/2009 (*Mehalli v. Algeria*) and 2006/2010 (*Almegaryaf and Matar v. Libya*).

(o) *Right not to be subjected to interference with one's privacy, family and home (Covenant, art. 17)*

227. In case No. 1955/2010 (*Al-Gertani v. Bosnia and Herzegovina*), the Committee recalled its jurisprudence according to which the separation of a person from his family by means of his expulsion from the country concerned constitutes an interference with the family life protected by article 17, paragraph 1, of the Covenant. In cases where one part of a family must leave the territory of the State party while the other part would be entitled to remain, the relevant criteria for assessing whether or not the specific interference with family life amounts to arbitrary interference or can be objectively justified must be considered, on the one hand, in the light of the significance of the State party's reasons for the removal of the person concerned and, on the other, the degree of hardship the family would encounter as a consequence of such removal. In the present case, the Committee observed that the removal of the author would impose a considerable hardship on his family. If the author's wife and minor children were to decide to immigrate to Iraq in order to avoid a separation of the family, they would have to live in a country whose culture and language were unfamiliar. Furthermore, when deciding the removal of the author, the Court of Bosnia and Herzegovina and the Constitutional Court limited themselves to referring to the fact that the author was considered a threat to the national security without properly assessing this reason for removal. Further, those Courts failed to give the author an adequate opportunity to address the alleged security threat in a manner that would enable him to contribute to an appropriate assessment of the effects of his removal on his family situation. In the absence of a clear explanation from the State party as to why the author constituted a threat to the security of the country or why this information could not be transmitted, the Committee considered that the State party had failed to show that the interference with his family life was justified by serious and objective reasons. Accordingly, the Committee considered that the author's deportation would constitute a violation of articles 17 and 23 of the Covenant.

228. In case No. 1889/2009 (*Marouf v. Algeria*) concerning the enforced disappearance of the victims, the Committee noted the author's claim, which the State party had not refuted, that police officers searched the family home and storeroom without a warrant, causing damage, and seized jewellery, money, foodstuffs and identity papers. The Committee concluded that those facts constituted an unlawful interference in the privacy, family and home of the victims, in violation of article 17.

(p) *Freedom of thought, conscience and religion (Covenant, art. 18)*

229. In case No. 1928/2010 (*Singh v. France*), the author, who is a Sikh and wears a turban, claimed that the requirement to appear bareheaded on his passport's identity photograph was a violation of his right to freedom of religion. The Committee was of the view that the State party had not demonstrated that the limitation placed on the author was necessary within the meaning of article 18, paragraph 3, of the Covenant. It also observed that, even if the obligation to remove the turban for the identity photograph might be described as a one-time requirement, it would potentially interfere with the author's freedom of religion on a continuing basis because he would always appear without his religious head covering in the identity photograph and could thus be compelled to remove his turban during identity checks. The Committee therefore concluded that the regulation requiring persons to appear bareheaded in their passport photographs was a disproportionate limitation that infringed the author's freedom of religion and constituted a violation of article 18 of the Covenant.

(q) *Freedom of opinion and expression and right of peaceful assembly (Covenant, art. 19 and art. 21)*

230. In case No. 1808/2008 (*Kovalenko v. Belarus*), the author claimed that his detention by the police on 30 October 2007 in the course of a commemoration to honour the victims of the Stalinist repressions, and subsequent fine violated his rights under articles 19 and 21. The Committee held that, even if the sanctions imposed on the author were permitted under national law, the State party had not advanced any argument as to why they were necessary for one of the legitimate purposes set out in article 19, paragraph 3, of the Covenant, and what dangers would have been created by the author's publicly expressing his negative attitude to the Stalinist repressions in Soviet Russia. The Committee concluded that, in the absence of any pertinent explanations from the State party, the restrictions on the exercise of the author's right to freedom of expression could not be deemed necessary for the protection of national security or of public order (*ordre public*) or for respect for the rights or reputations of others. The Committee therefore found that the author's rights under article 19, paragraph 2, of the Covenant had been violated. The Committee further noted the author's claim that his right to freedom of assembly was also violated, since he was arbitrarily prevented from holding a peaceful assembly. The Committee noted the State party's assertion that the restrictions were in accordance with the law. However, the State party had not provided any information as to how, in practice, the commemoration of the victims of the Stalinist repressions would violate the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others as set out in article 21 of the Covenant. Accordingly, the Committee concluded that the State party had also violated the author's right under article 21 of the Covenant.

231. In case No. 1851/2008 (*Sekerko v. Belarus*), the author and a group of Gomel city residents were denied authorization to hold mass events in different parts of the city to protest against the abolition of social benefits to people in need. The Committee took note of the State party's explanation that authorization had been denied because the author failed to provide all necessary information, as required by the Law on Mass Events, including with regard to measures to be taken to guarantee security and medical care to the participants of the events and to ensure that the area remained clean during and subsequent to the gathering. The Committee recalled that, when a State party imposes restrictions with the aim of reconciling an individual's right to assembly and the interests of general concern, it should be guided by the aim of facilitating the right, rather than seeking unnecessary or disproportionate limitations to it. The Committee noted that the State party had failed to demonstrate that the denial of authorization in the author's case, even if based on a law, was necessary, for one of the legitimate purposes of the second sentence of article 21 of the Covenant. In particular, the State party had not specified which required details related to the planning and conduct of the mass events might be missing, the absence of which would pose a threat to public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Neither had the State party demonstrated that, in the author's case, these purposes could only be achieved by the denial of the planned mass events. Since the State party had failed to show that the denial of authorization met the criteria set out in article 21 of the Covenant, the Committee concluded that the facts as submitted revealed a violation of that provision.

232. In case No. 1864/2009 (*Kirsanov v. Belarus*), the author complained about the State party's refusal to authorize holding a picket with the aim to attract public attention to the State's policy against opposition political parties and grass-roots movements and to protest against the State attempt to dismantle the Belarus Communist Party. The Committee observed that the State party had failed to demonstrate that the denial of authorization to hold the picket, even if imposed in conformity with the law, was necessary for any of the legitimate purposes set out in article 21 of the Covenant. In particular, the State party had

not specified why conducting the picket on the given subject would pose a threat to public safety and public order. As to the alleged need to protect the rights of others to receive reliable information, the State party had not demonstrated how it was consistent with the legitimate purposes contained in article 21 of the Covenant and, in particular, why it was necessary in a democratic society, the cornerstone of which is free dissemination of information and ideas, including information and ideas contested by the government or the majority of the population. Furthermore, the State party had not shown that those purposes could only be achieved by the denial of the picket proposed by the author. In the absence of any other pertinent explanations from the State party, the Committee concluded that the facts as submitted revealed a violation of the author's rights under article 21.

233. In case No. 1873/2009 (*Alekseev v. Russian Federation*), concerning the prohibition to hold a picket protesting the execution of homosexuals and minors in the Islamic Republic of Iran, the Committee noted that permission for the author's proposed picket was denied on the sole ground that the subject it addressed, namely, advocacy of respect for the human rights of persons belonging to sexual minorities, would provoke a negative reaction that could lead to violations of public order. The denial had nothing to do with the chosen location, date, time, duration or manner of the proposed public assembly. Thus, the decision of the Deputy Prefect of the Central Administrative District of Moscow not to authorize the picket amounted to a rejection of the author's right to organize a public assembly addressing the chosen subject, which is one of the most serious interferences with the freedom of peaceful assembly. The Committee noted that freedom of assembly protects demonstrations promoting ideas that may be regarded as annoying or offensive by others and that, in such cases, States parties have a duty to protect the participants in such a demonstration in the exercise of their rights against violence by others. It also notes that an unspecified and general risk of a violent counterdemonstration or the mere possibility that the authorities would be unable to prevent or neutralize such violence is not sufficient to ban a demonstration. The State party did not provide the Committee with any information to support the claim that a "negative reaction" to the picket by members of the public would involve violence or that the police would be unable to prevent such violence if they properly performed their duty. In such circumstances, the obligation of the State party was to protect the author in the exercise of his rights under the Covenant and not to contribute to suppressing those rights. The Committee therefore concluded that the restriction on the author's rights was not necessary in a democratic society in the interest of public safety, and violated article 21 of the Covenant.

234. In case No. 1903/2009 (*Youbko v. Belarus*), the author was refused permission by local authorities to display posters calling for justice during a picket that was aimed at drawing public attention to the need for the judiciary to respect both the Constitution and international treaties when adjudicating civil and criminal cases. The Committee noted that the authorities justified the refusal on the ground that the purpose of the picket constituted an attempt to question court decisions and, therefore, to influence court rulings in specific civil and criminal cases. The Committee noted, however, that the local authorities had not explained how, in practice, criticism of a general nature regarding the administration of justice would jeopardize the court rulings at issue, for the purposes of one of the legitimate aims set out in article 19, paragraph 3, or in the second sentence of article 21, of the Covenant. Accordingly, the Committee concluded that a violation of articles 19, paragraph 2, and 21 had taken place.

235. Cases Nos. 1919-1920/2009 (*Protsko and Tolchin v. Belarus*) concerned the seizure of leaflets and fine imposed on the first author and the five days' administrative detention to which the second author was sentenced for distributing leaflets about two planned peaceful public events to commemorate those who had died in the Chernobyl accident. The Committee recalled that restrictions on the exercise of the right to freedom of expression must not be overbroad and that the principle of proportionality has to be respected not only

in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law. The Committee observed in its general comment No. 34 (2011) on freedoms of opinion and expression that, when a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat. As the Gomel Regional Court failed to examine the issue of whether restricting the authors' right to impart information was necessary for the purposes of article 19, paragraph 3, of the Covenant, and in the absence of any other pertinent information on file to justify the authorities' decisions, the Committee considered that the State party had failed to demonstrate that the restrictions imposed on the authors' rights met the criteria set out in article 19, paragraph 3, of the Covenant. The Committee therefore concluded that the authors had been victims of a violation by the State party of their rights under article 19, paragraph 2, of the Covenant.

236. In case No. 1948/2010 (*Turchenyak et al. v. Belarus*), the authors claimed that their right to freedom of expression and to peaceful assembly had been restricted arbitrarily by the refusal of the Brest authorities to authorize holding pickets in a pedestrian area of the city with the purpose of drawing citizen's attention to the issues regarding the erection of a monument devoted to the 1,000th anniversary of Brest. The Committee found the decision of the State party's authorities denying the authors' right to assemble peacefully at the public location of their choice to be unjustified. The Committee also noted that, in their replies to the authors, the national authorities failed to demonstrate how a picket held in the said location would necessarily jeopardize national security, public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. The de facto prohibition of an assembly in any public location in the entire city of Brest, with the exception of the Lokomotiv stadium, unduly limited the right to freedom of assembly. In those circumstances, the Committee concluded that the authors' right under article 21 of the Covenant had been violated. Furthermore, the national authorities had not explained how the restrictions imposed on the authors' rights under article 19 of the Covenant were justified under article 19, paragraph 3, of the Covenant. In the circumstances, and in the absence of any information in this regard from the State party, the Committee also concluded that the authors' rights under article 19, paragraph 2, of the Covenant had been violated.

237. In case No. 2202/2012 (*Rodriguez Castañeda v. Mexico*), the author who was a journalist, claimed that his right to seek information had been violated as the denial of access to the used, unused and spoilt ballot papers from all the polling stations set up for the 2006 presidential election constituted an excessive restriction of this right by the State party without there being reasonable or sufficiently serious grounds for imposing that restriction, given that all information in the possession of any State body is public information, and access to it may only be restricted temporarily and on an exceptional basis. Given the existence of a legal mechanism for verifying the vote count, which was used in the election in question; the fact that the author was provided with the ballot paper accounts drawn up by randomly selected citizens at each polling station of the country's 300 electoral districts; the nature of the information and the need to preserve its integrity; and of the complexity of providing access to the information requested by the author, the Committee found that the denial of access to the requested information, in the form of physical ballot papers, was intended to guarantee the integrity of the electoral process in a democratic society. This measure was a proportionate restriction by the State party necessary for the protection of public order in accordance with the law and to give effect to electors' rights, as set forth in article 25 of the Covenant. In the circumstances, the Committee therefore considered that the facts before it did not reveal a violation of article 19, paragraph 2, of the Covenant.

(r) Right to stand for election and to have access to public service (Covenant, art. 25)

238. In case No. 2155/2012 (*Paksas v. Lithuania*), the author, former President of the Republic, claimed that his removal from office in April 2004 and lifelong ban on being a candidate at presidential elections violated the Covenant. The Lithuanian parliament (Seimas) removed the author from office after the country's Constitutional Court found that he had unlawfully granted Lithuanian citizenship to a Russian-born businessman. In May that year, the Seimas amended the electoral legislation to introduce the lifelong ban. The Committee considered that the lifelong disqualification to be a candidate in presidential elections, or to be prime minister or minister, were imposed on the author following a rule-making process highly linked in time and substance to the impeachment proceedings initiated against him. Under the specific circumstances of the case the Committee found that the lifelong disqualifications lacked the necessary foreseeability and objectivity, thus amounting to an unreasonable restriction of the author's rights to be elected and to have access to public service, under article 25 (b) and (c) of the Covenant.

(s) Right of persons belonging to minorities to enjoy their own culture (Covenant, art. 27)

239. In case No. 2102/2011 (*Paadar et al. v. Finland*), the authors claimed to be victims of violation of articles 26 and 27 of the Covenant in that the decisions on the forced slaughter of their reindeer taken in 2007 by the Ivalo Reindeer Cooperative, in application of section 22 of the Reindeer Husbandry Act, had discriminatory effects against them. When deciding on the number of reindeer to be slaughtered in order to comply with the maximum permitted number of reindeer for the Cooperative and for each shareholder, the Cooperative did not take into consideration the authors' traditional Sami methods of herding and the fact that such methods involved the loss of a greater number of calves than the calf-loss borne by the other members of the Cooperative. However, the Committee considered that the materials submitted to it were insufficient to conclude, given the limited evidence provided, that the impact of the reindeer reduction methods of the Ivalo Cooperative upon the authors was such as to amount to a denial of their rights under articles 26 and 27. Despite that conclusion, the Committee deemed it important to recall that the State party must bear in mind, when taking steps affecting the rights under article 27, that although different activities in themselves may not constitute a violation of that article, such activities, taken together, may erode the rights of Sami people to enjoy their own culture.

G. Remedies called for under the Committee's Views

240. After the Committee has made a finding of a violation of a provision of the Covenant in its Views under article 5, paragraph 4, of the Optional Protocol, it proceeds to ask the State party to take appropriate steps to remedy the violation. Often, it also reminds the State party of its obligation to prevent similar violations in the future. When pronouncing a remedy, the Committee observes that:

> Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the Committee's Views.

241. During the period under review the Committee took the following decisions regarding remedies.

242. In case No. 2177/2012 (*Johnson v. Ghana*), concerning the mandatory imposition of the death penalty, the State party was requested to provide the author with an effective remedy, including the commutation of his death sentence, and to adjust its legislation to the provisions of the Covenant.

243. In case No. 1885/2009 (*Horvath v. Australia*), involving violations of article 2, paragraph 3, in connection with articles 7, 9 (paras. 1 and 5), 10 (para. 1) and 17, the State party was requested to provide the author with an effective remedy, including adequate compensation. Furthermore, the State party should review its legislation to ensure its conformity with the requirements of the Covenant.

244. In cases of enforced disappearances Nos. 1832/2008 (*Al Khazmi v. Libya*), 1865/2009 (*Sedhai v. Nepal*), 1796/2008 (*Zerrougui v. Algeria*), 1798/2008 (*Azouz v. Algeria*), 1884/2009 (*Aouali et al. v. Algeria*), 1831/2008 (*Larbi v. Algeria*), 1874/2009 (*Mihoubi v. Algeria*), 1899/2009 (*Terafi v. Algeria*) and 2006/2010 (*Almegaryaf and Matar v. Libya*), the respective State parties were requested to provide the authors with an effective remedy by, inter alia (as applicable): (a) conducting thorough, prompt and impartial investigations into the disappearances; (b) providing the families with detailed information on the results of its investigations; (c) releasing the victim immediately if still being detained incommunicado; (d) handing over the remains to the families in the event that the victims are deceased; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing compensation to the families and the disappeared person if still alive. In case No. 1900/2009 (*Mehalli v. Algeria*), the State party was also requested to carry out a prompt and effective investigation into the allegations of torture of the author, her sisters and her brothers, Bedrane and Abderrahmane; prosecuting and punishing the perpetrators; providing the victims with adequate compensation, including for their illegal detention in that context; and carrying out a prompt and effective investigation into the exact circumstances of the death of the author's brother, Atik, with a view to the prosecution and punishment of those responsible.

245. In case No. 1997/2010 (*Rizvanović v. Bosnia and Herzegovina*), concerning the enforced disappearance of the authors' relative, the State party was requested to provide the family with an effective remedy, including: (a) continuing its efforts to establish the fate or whereabouts of the victim, as required by the Law on Missing Persons of 2004; (b) continuing its efforts to bring those responsible for his disappearance to justice and to do so by the end of 2015, as required by the National War Crimes Strategy; and (c) ensuring adequate compensation. The State party was also requested to prevent similar violations in the future and ensure, in particular, that investigations into allegations of enforced disappearances are accessible to the missing persons' families, and that the current legal framework is amended so that providing social benefits and measures of reparations to relatives of victims of enforced disappearance is not subjected to the obligation to obtain a municipal court's decision certifying the death of the victim.

246. In cases where the Committee concluded that the expulsion of the authors to their countries of origin would constitute a violation of articles 6 (para. 1) and/or 7, the State parties were requested to provide the authors with an effective remedy, including a full reconsideration of their claims taking into account the State parties obligations under the Covenant. This was true for cases Nos. 1881/2009 (*Shakeel v. Canada*), 1898/2009 (*Choudhary v. Canada*), 2007/2010 (*X. v. Denmark*) and 2149/2012 (*M.I. v. Sweden*). In case 1908/2009 (*Ostavari v. Republic of Korea*), the State party was also requested not to deport the author to any third country likely to deport him to his country of origin.

247. In case No. 2104/2011 (*Valetov v. Kazakhstan*), where the extradition of the author involved a violation of article 7, the Committee requested the State party to provide the author with an effective remedy, including adequate compensation, to put in place effective measures for the monitoring of the situation of the author, in cooperation with the receiving

State, and to provide the Committee with updated information, on a regular basis, on the author's situation.

248. In case No.1890/2009 (*Baruani v. Democratic Republic of the Congo*), concerning violations of articles 7 and 9 of the Covenant, the State party was requested to provide the author with an effective remedy, including by (a) conducting a thorough and effective investigation into his allegations of torture and ill-treatment; (b) prosecuting, bringing to trial and punishing those responsible for the violations committed; and (c) providing adequate compensation and a formal public apology to the author and his family for the violations suffered.

249. In case No. 1592/2007 (*Pichugina v. Belarus*), where the Committee found a violation of article 9, paragraph 3, the State party was requested to provide the author with an effective remedy, including reimbursement of any legal costs incurred by her, as well as adequate compensation. In connection with the obligation to prevent similar violations in the future, the Committee requested the State party to review its legislation, in particular the Criminal Procedure Code, to ensure its conformity with the above provision of the Covenant. An effective remedy, including adequate and appropriate compensation, was requested in case No. 1856/2008 (*Sevostyanov v. Russian Federation*), involving violations of article 9, paragraph 1.

250. In case No. 1955/2010 (*Al-Gertani v. Bosnia and Herzegovina*), where the Committee found violations of article 9 and determined that the expulsion of the author would violate his rights under articles 17 and 23 of the Covenant, the State party was requested to provide the author with an effective remedy, including adequate compensation. The State party should either release the author on appropriate conditions or provide him with an adequate opportunity to challenge all grounds on which his detention is based. It should also undertake full reconsideration of the reasons for and the effects of removing the author to Iraq on his family life, prior to any attempt to return the author to his country of origin.

251. In cases Nos. 2094/2011 (*F.K.A.G. et al. v. Australia*) and 2136/2012 (*M.M.M. et al. v. Australia*), where the Committee found that the indefinite detention of persons in immigration facilities violated several provisions of the Covenant, the State party was requested to provide the authors with an effective remedy, including release under individually appropriate conditions, rehabilitation and appropriate compensation. In connection with its obligation to take steps to prevent similar violations in the future, the State party was requested to review its migration legislation to ensure its conformity with the requirements of articles 7 and 9 (paras. 1, 2 and 4) of the Covenant.

252. In case No. 1960/2010 (*Ory v. France*), concerning the violation of the author's right to liberty of movement, the State party was requested to provide the author with an effective remedy by, inter alia, expunging his criminal record and providing him with adequate compensation for the harm suffered; and review the relevant legislation and its application in practice, taking into account its obligations under the Covenant.

253. In case No. 1795/2008 (*Zhirnov v. Russian Federation*), where the Committee found a violation of article 14, paragraph 3 (b) of the Covenant, the State party was requested to provide the author with an effective remedy, including adequate and appropriate compensation. Similarly, in case 1405/2005 (*Pustovoit v. Ukraine*), where the Committee found violations of article 7, article 14 (para. 3 (b)) and article 7 together with article 14 (para. 1), the State party was requested to provide the author with an effective remedy, including compensation, and to introduce the necessary modifications to its laws and practice so as to prevent similar violations in the future.

254. In case No. 1928/2010 (*Singh v. France*), involving a violation of article 18 in the prohibition of wearing a turban in identity photographs, the State party was requested to

provide the author with an effective remedy, including a reconsideration of his application for renewal of his passport, and the revision of the relevant rules and their application in the light of the State party's obligations under the Covenant.

255. In cases Nos. 1808/2008 (*Kovalenko v. Belarus*), 1839/2008 (*Komarovsky v. Belarus*), 1851/2008 (*Sekerko v. Belarus*), 1864/2009 (*Kirsanov v. Belarus*), 1873/2009 (*Alekseev v. Russian Federation*), 1903/2009 (*Youbko v. Belarus*), 1919-1920/2009 (*Protsko and Tolchin v. Belarus*) and 1948/2010 (*Turchenyak et al. v. Belarus*), where the Committee found violations of articles 19 and/or 21, the Committee requested the respective State parties to provide the victims with an effective remedy, including reimbursement of the value of the fine (where applicable), any legal costs incurred by the author (where applicable), and adequate compensation. In some of these cases against Belarus, the Committee reiterated that the State party should review its legislation, in particular the Law on Mass Events of 30 December 1997, with a view to ensuring full enjoyment of the provisions of the Covenant in the State party.

256. In case No. 1910/2009 (*Zhuk v. Belarus*), where the Committee found violations of articles 6, 7, 9 (para. 3) and 14 (paras. 1, 2, 3 (b), (d) and (g)) in connection with the execution of the death sentence imposed on the victim after an unfair trial, the State party was requested to provide the victim's mother with adequate compensation, including reimbursement of the legal costs incurred. The Committee also determined that the State party was under the obligation to prevent similar violations in the future and, in the light of the State party's obligations under the Optional Protocol, to cooperate in good faith with the Committee, particularly by complying with the Committee's requests for interim measures.

257. In case No. 2155/2012 (*Paksas v. Lithuania*), concerning the violation of the author's rights under article 25 (b) and (c) of the Covenant, the Committee requested the State party to provide the author with an effective remedy, including through revision of the lifelong prohibition of the author's right to be a candidate in presidential elections or to be a prime minister or minister.

VI. Follow-up on individual communications under the Optional Protocol

258. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Mr. Iwasawa, designated at the Committee's 107th session, is currently assuming this function.

259. As indicated in the Committee's general comment No. 33 on the obligations of States parties under the Optional Protocol to the International Covenant on Civil and Political Rights,[21] the Special Rapporteur, through written representations, and frequently also through personal meetings with representatives of the State party concerned, urges compliance with the Committee's views and discusses factors that may be impeding their implementation.

260. It is to be noted, as also indicated in general comment No. 33 (para. 17), that failure by a State party to implement the Views of the Committee in a given case becomes a matter of public record through the publication of the Committee's decisions in, inter alia, its annual reports to the General Assembly. Some States parties, to which the Views of the Committee have been transmitted in relation to communications concerning them, have failed to accept the Committee's Views, in whole or in part, or have attempted to re-argue the case by providing new information. In such cases, the Committee recalls that under article 4, paragraph 2, of the Optional Protocol, when receiving a new communication registered by the Committee for consideration under the Optional Protocol, States parties are under an obligation to cooperate by submitting to it written explanations or statements clarifying the matter and indicating the measures, if any, that may have been taken to remedy the situation.

261. The Committee regards the dialogue between the Committee and States parties as ongoing with a view to implementation of its recommendations in a large number of cases. The Committee has decided to have the follow-up dialogue in some cases suspended with a finding of a non-satisfactory implementation of its recommendations. Where States parties have fully complied with the Committee's recommendations, the Committee has decided to close the follow-up examination of a case with a finding of a full implementation of its recommendations. If States parties have only partly complied with the Committee's recommendations, the Committee has decided either to pursue the follow-up dialogue in an attempt of finding a full implementation, or to close the follow-up dialogue with the respective State party, with a conclusion of a partly satisfactory resolution of its recommendations. The Special Rapporteur for follow-up on Views conducts this dialogue, and regularly reports on progress to the Committee.

262. At its 109th session, the Committee started, on an experimental basis, to include in its reports on follow-up to Views an assessment of the States parties' reply/action, based on the criteria of the follow-up procedure to the concluding observations.[22] The assessment criteria used by the Committee is given below:

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[21] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 40*, vol. I (A/64/40 (Vol. I)), annex V, para. 16.

[22] Only States parties' observations covered in the reports of the 109th and 110th sessions include such assessments.

Assessment criteria	
A	Reply largely satisfactory
B1	Substantive action taken, but additional information required
B2	Initial action taken, but additional information required
C1	Reply received but actions taken do not implement the recommendation
C2	Reply received but not relevant to the recommendation
D1	No reply received within the deadline, or no reply to any specific question in the report
D2	No reply received after reminder(s)
E	The reply indicates that the measures taken go against the recommendations of the Committee

263. In 850 of the 1,008 Views adopted since 1979, the Committee concluded that there had been a violation of the Covenant. A comprehensive table recapitulating all Views with a conclusion of violation, by State, is included as annex VIII to the present annual report (see Vol. II).

264. The present chapter sets out all information provided by States parties and authors or their counsel/representative since the previous annual report.[23] A table set forth in annex VIII of Volume II of the present annual report displays a complete picture, disaggregated by country, of follow-up replies from States parties received up to the 110th session (10–28 March 2014), in relation to Views where the Committee concluded to a violation of the Covenant.

A. Follow-up information received since the previous annual report

265. The following information was received during the period under review.

State party	**Algeria**[24]
Case	***Bousroual*, 992/2001**
Views adopted on	30 March 2006
Violation	Articles 6, paragraph 1, 7 and 9, paragraphs 1, 3 and 4, of the Covenant in relation to the author's husband as well as article 7 in relation to the author, violations in conjunction with article 2, paragraph 3, of the Covenant.

Remedy: Effective remedy, including a thorough and effective investigation into the disappearance and fate of the author's husband, his immediate release if he is still alive, adequate information resulting from its investigation transmitted to the author, and appropriate levels of compensation for the violations suffered by the author's husband, the author and the family. The State party is also under a duty to prosecute criminally, try and punish those held responsible for such violations

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[23] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 40*, vol. I (A/67/40 (Vol.I)), chap. VI.

[24] On 26 July 2013, as requested by the Committee at its 107th session, the Special Rapporteur met with representatives of the State party's Permanent Mission in Geneva to discuss follow-up to Views.

Previous follow-up information: A/66/40

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Madani*, 1172/2003**
Views adopted on	28 March 2007
Violation	Articles 9 and 14 of the Covenant.

Remedy: Effective remedy. The State party is under an obligation to take the necessary steps to ensure that the author obtains an appropriate remedy, including compensation.

No previous follow-up information

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Benhadj*, 1173/2003**
Views adopted on	20 July 2007
Violation	Articles 9; 10 and 14 of the Covenant.

Remedy: The State party is under an obligation to provide Ali Benhadj with an effective remedy. The

State party is under an obligation to take appropriate measures to ensure that the author obtains appropriate redress, including compensation for the distress suffered by his family and himself.

Previous follow-up information: A/63/40

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Medjnoune*, 1297/2004**
Views adopted on	14 July 2006
Violation	Articles 9, 10 and 14 of the Covenant.

Remedy: Effective remedy, which includes bringing Malik Medjnoune immediately before a judge to answer the charges against him or to release him, conducting a full and thorough investigation into the incommunicado detention and treatment suffered by Malik Medjnoune since 28 September 1999, and initiating criminal proceedings against the persons alleged to be responsible for those violations, in particular the ill-treatment. The State party is also required to provide appropriate compensation to Malik Medjnoune for the violations.

Previous follow-up information: A/67/40

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Grioua*, 1327/2004**
Views adopted on	10 July 2007
Violation	Articles 7, 9 and 16 of the Covenant, and of article 2, paragraph 3, in conjunction with articles 7, 9 and 16, in respect of the author's son, and of article 7 and article 2, paragraph 3, in conjunction with article 7, in respect of the author herself.

Remedy: Effective remedy, including a thorough and effective investigation into the disappearance and fate of the author's son, his immediate release if he is still alive, and the appropriate information emerging from its investigation, and to ensure that the author and her family receive adequate reparation, including in the form of compensation. The State party is therefore also under an obligation to prosecute, try and punish those held responsible for such violations.

No previous follow-up information

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Kimouche*, 1328/2004**
Views adopted on	10 July 2007
Violation	Articles 7, 9 and 16 of the Covenant, and of article 2, paragraph 3, in conjunction with articles 7, 9 and 16, in respect of the authors' son, and a violation of article 7 and of article 2, paragraph 3, in conjunction with article 7, in respect of the authors themselves.

Remedy: Effective remedy, including a thorough and effective investigation into the disappearance and fate of the authors' son, his immediate release if he is still alive, and the appropriate information emerging from its investigation, and to ensure that the authors and the family receive adequate reparation, including in the form of compensation. The State party is also under an obligation to prosecute, try and punish those held responsible for such violations.

No previous follow-up information

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Aber*, 1439/2005**
Views adopted on	13 July 2007
Violation	Article 7 and of article 9, paragraphs 1 and 3, read alone and in conjunction with article 2, paragraph 3, and of article 10, paragraph 1, of the Covenant

Remedy: Effective remedy. The State party is under an obligation to take appropriate steps to (a) institute criminal proceedings, in view of the facts of the case, for the immediate prosecution and punishment of the persons responsible for the ill-treatment to which the author was subjected, and (b) provide the author with appropriate reparation, including compensation.

Previous follow-up information: A/66/40

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Madaoui*, 1495/2006**
Views adopted on	28 October 2008
Violation	Article 7, article 9 and article 16 and of article 2, paragraph 3, in conjunction with articles 7, 9 and 16 of the Covenant in respect of the author's son; and of article 7 and of article 2, paragraph 3, in conjunction with article 7 of the Covenant in respect of the author herself.

Remedy: The State party is under an obligation to provide the author with reparation in the form of compensation. The State party is also under an obligation to prosecute, try and punish those held responsible for these violations.

No previous follow-up information

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Benaziza*, 1588/2007**
Views adopted on	26 July 2010
Violation	Articles 7, 9 and 16, and article 2, paragraph 3, of the Covenant, read in conjunction with article 6, paragraph 1, and articles 7, 9 and 16, and a violation of the rights of the author, her father and her uncles under article 7 and article 2, paragraph 3, of the Covenant, read in conjunction with article 7.

Remedy: Effective remedy, in particular by conducting a thorough and diligent investigation into her grandmother's disappearance, duly informing her of the outcome of the investigation and paying appropriate compensation to the author, her father and her uncles. The State party is also duty-bound not only to conduct thorough investigations into alleged violations of human rights, particularly enforced disappearances and acts of torture, but also to prosecute, try and punish the culprits

No previous follow-up information

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Rakik*, 1753/2008**
Views adopted on	19 July 2012
Violation	Article 6, paragraph 1; article 7; article 9; article 10, paragraph 1; article 16; and article 2, paragraph 3, read in conjunction with article 6, paragraph 1; article 7; article 9; article 10, paragraph 1; and article 16 of the Covenant with respect to Kamel Rakik and of article 7, read alone and in conjunction with article 2, paragraph 3, of the Covenant, with respect to the authors.

Remedy: Effective remedy by, inter alia: (a) conducting a thorough and effective investigation into the disappearance of Kamel Rakik; (b) providing the authors with detailed information about the results of the investigation; (c) releasing him immediately if he is still being detained incommunicado; (d) in the event that Kamel Rakik is deceased, handing over his remains to his family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation to the authors for the violations suffered and to Kamel Rakik, if he is still alive. Ordinance No. 06-01 notwithstanding, the State should further ensure that it does not hinder victims of crimes such as torture, extrajudicial killings and enforced disappearances from exercising their right to an effective remedy.

No previous follow-up information

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Submission from: Author

Date of submission: 9 July 2013

The author's counsel informed the Committee that more than 10 months after having been notified of the Committee's decision, no measures had been undertaken by the State party to implement the Views adopted in this case. The author's counsel further informed the Committee that he had written to the Public Prosecutor of Boudouaou on 9 July 2013, to seek the implementation of the Committee's Views, and to ensure that a thorough, independent and impartial investigation be undertaken on the disappearance of Kamel Rakik in June 1996. The author's counsel seeks the support of the Committee in this regard, also urging it to undertake a field mission to Algeria, to monitor the implementation of all its decisions adopted against the State party.

Date of transmittal to State party: 23 July 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Mezine*, 1779/2008**
Views adopted on	25 October 2012
Violation	Article 6 (para. 1), article 7, article 9, article 10 (para. 1), article 16 and article 2 (para. 3), read in conjunction with article 6 (para. 1), article 7, article 9, article 10 (para. 1), article 16 and article 17 of the Covenant with regard to Bouzid Mezine, and of article 7, read alone and in conjunction with article 2 (para. 3), of the Covenant, with respect to the author.

Remedy: Effective remedy, including by: (a) conducting a thorough and effective investigation into the disappearance of Bouzid Mezine; (b) providing the author and his family with detailed information about the results of its investigation; (c) releasing him immediately if he is still being detained incommunicado; (d) in the event that Bouzid Mezine is deceased, handing over his remains to his family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation to the author for the violations suffered and to Bouzid Mezine, if he is still alive. Notwithstanding the terms of Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for crimes such as torture, extrajudicial killings and enforced disappearances.

No previous follow-up information

Submission from: Author

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Submission from: Author

Date of submission: 3 July 2013

The author's counsel reiterated that six months after having been notified of the Committee's decision, no measures had been undertaken by the State party to implement the Views adopted in this case. The author's counsel urges the Committee to request precise, relevant and complete information from the State party on the implementation of this decision, and to undertake a field mission to Algeria, to monitor the implementation of all its decisions adopted against the State party.

Date of transmittal to State party: 22 July 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Zarzi*, 1780/2008**
Views adopted on	22 March 2011

Violation	Article 6, read in conjunction with article 2, paragraph 3; article 7; article 9; article 10, paragraph 1; and article 16 of the Covenant with regard to Brahim Aouabdia. Moreover, the facts reveal a violation of article 7 alone and read in conjunction with article 2, paragraph 3, with regard to the author (the victim's wife) and their six children.

Remedy: Effective remedy, including by (a) conducting a thorough and effective investigation into the disappearance of Brahim Aouabdia; (b) providing his family with detailed information about the results of the investigation; (c) freeing him immediately if he is still being detained incommunicado; (d) if he is dead, handing over his remains to his family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation for the author and her children for the violations suffered, and for Brahim Aouabdia if he is alive.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 26 February 2013

The State party referred the Committee to its Memorandum on the admissibility of the communication, and Supplementary Memorandum, which it had submitted to challenge the admissibility of the communication.

Submission from: Authors' counsel

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Transmittal to the State party: 21 May 2013

Submission from: Author

Date of submission: 26 June 2013

The author's counsel informed the Committee that, more than two years after having been notified of the Committee's decision, no measures had been undertaken by the State party to implement the Views adopted in this case. On 31 January 2013, Meriem Zarzi was summoned by the police of the Constantine Wilaya, at the request of the Prosecutor of the Constantine Tribunal. She was informed that, following preliminary investigations which led to the issuance of a certificate of disappearance, her case was being dealt with by the relevant administrative instances. Nonetheless, she was not given any indication as to the investigations undertaken with respect to the disappearance of her husband, Brahim Aouabdia.

The author's counsel adds that, on 26 February 2013 (see CCPR/C/108/3), instead of submitting information as to the implementation of the Committee's Views in this case, the State party referred the Committee to its Memorandum, which it submitted as observations on the inadmissibility of all similar communications against Algeria before the Committee. The author's counsel stresses that such a response from the State party is inappropriate, as it is at this stage, and shows its lack of concern for the Committee's individual communications procedure.

Finally, the author's counsel urged the Committee to request precise, relevant and complete information from the State party on the implementation of this decision, and to undertake a field mission to Algeria, jointly with the Committee against Torture, to monitor the implementation of all decisions adopted against the State party.

Date of transmittal to State party: 15 July 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Berzig*, 1781/2008**
Views adopted on	31 October 2011
Violation	Article 6, paragraph 1; article 7; article 9; article 10, paragraph 1; article 16; and article 2, paragraph 3, read in conjunction with article 6, paragraph 1; article 7; article 9; article 10, paragraph 1, and article 16 of the Covenant with regard to Kamel Djebrouni, and of article 7, read alone and in conjunction with article 2, paragraph 3, of the Covenant with regard to the author.

Remedy: Effective remedy, including by (a) conducting a thorough and effective investigation into the disappearance of Kamel Djebrouni; (b) providing the author with detailed information about the results of the investigation; (c) freeing him immediately if he is still being detained incommunicado; (d) if he is dead, handing over his remains to his family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation for the author for the violations suffered and for Kamel Djebrouni if he is alive. Notwithstanding Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for the victims of crimes such as torture, extrajudicial killings and enforced disappearance.

No previous follow-up information

Submission from: Authors' counsel

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Transmittal to the State party: 21 May 2013

Committee's decision: Follow-up dialogue on-going. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Djebbar and Chihoub*, 1811/2008**
Views adopted on	31 October 2011
Violation	Article 6, paragraph 1; article 7; article 9; article 10, paragraph 1; and article 16 with regard to Djamel and Mourad Chihoub. It also finds that there was a violation of article 24 of the Covenant with regard to Mourad Chihoub. The Committee further finds that the State party acted in violation of article 2, paragraph 3, read in conjunction with article 6, paragraph 1; article 7; article 9; article 10, paragraph 1; and article 16 with regard to Djamel and Mourad Chihoub, and in violation of article 2, paragraph 3, read in conjunction with article 24 with regard to Mourad Chihoub. Lastly, the Committee finds a violation of article 7, read alone and in conjunction with article 2, paragraph 3, of the Covenant with regard to the authors (the victims' parents).

Remedy: Effective remedy, including by (a) conducting a thorough and effective investigation into the disappearance of Djamel and Mourad Chihoub; (b) providing their family with detailed information about the results of the investigation; (c) freeing Djamel and Mourad Chihoub immediately if they are still being detained incommunicado; (d) if they are dead, handing over their remains to their family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation for the authors and their family for the violations suffered, and for Djamel and Mourad Chihoub if they are still alive. Moreover, and notwithstanding Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for the victims of crimes such as torture, extrajudicial killings and enforced disappearance.

No previous follow-up information

Submission from: Authors' counsel

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Transmittal to the State party: 21 May 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Ouaghlissi*, 1905/2009**
Views adopted on	26 March 2012
Violation	Article 6, paragraph 1; article 7; article 9; article 10, paragraph 1; article 16; and article 2, paragraph 3, read in conjunction with article 6, paragraph 1; article 7; article 9; article 10, paragraph 1; and article 16 of the Covenant with regard to Maamar Ouaghlissi, and of article 7, read alone and in

conjunction with article 2, paragraph 3, of the Covenant with regard to the author and her daughters.

Remedy: Effective remedy, including by (a) conducting a thorough and effective investigation into the disappearance of Maamar Ouaghlissi; (b) providing the author with detailed information about the results of the investigation; (c) freeing him immediately if he is still being detained incommunicado; (d) if Maamar Ouaghlissi is dead, handing over his remains to his family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation for the author and her daughters for the violations suffered and for Maamar Ouaghlissi if he is alive. Notwithstanding Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for the victims of crimes such as torture, extrajudicial killings and enforced disappearance.

Previous follow-up information: A/68/40

Submission from: Authors' counsel

Date of submission: 20 March 2013

The author's counsel, in a joint submission covering 15 Views adopted by the Committee against Algeria, noted that the State party had failed to give effect to the Committee's Views. No effective investigation has been carried out on the facts of the case, perpetrators have not been identified, prosecuted, nor punished and the victims and families have not received any reparation.

The author's counsel further invites the Committee to undertake a country visit jointly with the Committee against Torture, in order to monitor the implementation of both Committees' decisions.

Transmittal to the State party: 21 May 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Algeria**
Case	***Boucherf*, 1196/2003**
Views adopted on	30 March 2006
Violation	Articles 7 and 9 of the Covenant in relation to the author's son, and article 7 in relation to the author, in conjunction with a violation of article 2, paragraph 3, of the Covenant.

Remedy: Effective remedy, including a thorough and effective investigation into the disappearance and fate of the author's son, his immediate release if he is still alive, adequate information resulting from its investigation, and adequate compensation for the author and her family for the violations suffered by the author's son. The State party is also under a duty to prosecute criminally, try and punish those held responsible for such violations

Previous follow-up information: A/64/40

Submission from: Author

Date of submission: 18 March 2013

The author resubmitted her follow-up comments of 30 May 2007 (A/62/40), in which she had noted that the State party had yet to implement the Committee's Views, even though the State party authorities are fully aware, from witness testimonies, that Riad Boucherf was subjected to acts of torture by the security forces. With respect to the compensation received, the author stressed that it was conditioned by the tacit acceptance of the "official truth", as established under the Charter, i.e. that disappeared persons are victims of the "national tragedy". According to the author, Ordinance No. 06-01 implementing the Charter runs against the right to know, the duty of remembrance, and the right to an effective remedy, and exploits the social vulnerability of families.

The author adds that she received no compensation for moral damages, nor was any action undertaken by the State party to prevent the reoccurrence of such violations in the future. As authors of enforced disappearances (members of the security or armed forces) enjoy a total impunity, one can expect that such crimes will continue to be perpetrated.

Transmittal to the State party: 17 May 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Argentina**
Case	***L.N.P.*, 1610/2007**
Views adopted on	18 July 2011
Violations	Articles 3; 7; 14, paragraph 1; 17; 24; and 26; and article 2, paragraph 3, in conjunction with all the aforementioned articles.

Remedy: Full implementation of the compensatory measures agreed upon between the author and the State party through the amicable settlement procedure.

Previous follow-up information: A/68/40

On 7 August 2012, the State party had informed the Committee that: the Governor of the Chaco Province organized a symbolic reparation ceremony on 19 April 2009; the author received 53,000 United States dollars as compensation and a monthly life pension; the Chaco Province also offered the author a property, built a house for her and her family, and granted her a scholarship. The author was requested to comment on the State party's submission on 9 August 2012 and 20 March 2013. No answer was received.

Committee's decision: At its 109th session, the Committee decided to close the follow-up dialogue on the case, with a finding of satisfactory implementation of the Committee's recommendation.

State party	**Australia**
Case	***Tillman*, 1635/2007**
Views adopted on	18 March 2010
Violation	Article 9, paragraph 1, of the Covenant

Remedy: Effective remedy, including termination of the author's detention under the Crimes (Serious Sex Offenders) Act 2006 (New South Wales).

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 25 March 2013

The State party submits that it does not consider that further action is necessary in respect of the author, and that it considers the communication finalized.

Transmittal to the author: 15 May 2013

Committee's decision: At its 108th session, the Committee decided to suspend the follow-up dialogue on the case, with a finding of unsatisfactory implementation of its recommendation.

State party	**Azerbaijan**
Case	***Avadanov*, 1633/2007**
Views adopted on	25 October 2011
Violation	Article 7, read in conjunction with article 2, paragraph 3, of the Covenant.

Remedy: An effective remedy in the form, inter alia, of an impartial investigation of the author's claim under article 7, prosecution of those responsible and appropriate compensation. The State party is also under an obligation to prevent similar violations in the future.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 28 June 2013

The author submitted that the Committee's Views were not implemented. His daughter had new problems in the Consulate of Greece in Baku. He also refers to several reports available on the Internet, generally demonstrating the poor record of human rights observance in Azerbaijan, and the impossibility of successfully complaining before the national authorities about any human rights violation. The author requests the Committee to adopt a final decision in his case regarding the State party.

Submission from: State party

Date of submission: 26 July 2013

The State party submitted that, in December 2009, an internal investigation was undertaken with respect to the author's allegations. The conclusions of this investigation revealed that, on 27 October 1999, a dispute occurred between Khilal Avadanov, his sister Maisa Avadanova, and the latter's son Bahram Gadashov, who beated Khilal Avadanov's wife (Simnara Avadanova), as a result of which she sustained minor injuries.

Simnara Avadanova filed a complaint before the police against B. Gadashov, which led to an investigation by the 29th police division of the Yasamal District Police Department of Baku. The case was thereafter transferred to the Yasamal District Court, and criminal proceedings were initiated against the defendant B. Gadashov. However, the latter was subsequently acquitted by a judgement of the Court of Appeal of 30 November 2000, pursuant to an amnesty law adopted on 10 December 1999. On 27 June 2001, this decision was upheld by the Judicial Chamber for Criminal and Administrative Cases of the Supreme Court.

The State party also provides that the police visited Khilal Avadanov's house on several occasions between 2000 and 2003, with respect to another issue, which is the opening of criminal proceedings against the latter's son, Nuraddin Avadanov, who was accused of using forged documents for the purpose of demobilization from military service. The State party adds that the daughter of Khilal Avadanov, in a testimony to the police, stated that she did not have any information on any act of violence by the police against her parents, and that the latter travelled to Moscow for the treatment of her father in January 2004, and that neither her family nor herself were ever subjected to any violence, pressure or threat. On 3 January 2004, Khilal Avadanov and his wife Simnara Avadanova left Azerbaijan for Paris, and have not returned to Azerbaijan since that date. According to the State party, the author's allegations with respect to torture by police officers prior to his departure from the country are not plausible. The investigation undertaken by the 29th police division revealed that his allegations that he was subjected to violence, that his wife was raped in front of him, and that he was exposed to torture were not confirmed.

Transmittal to the author: 30 July 2013

Committee's provisional assessment: C2 (reply received but not relevant to the recommendation)

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Belarus**
Case	***Krasovskaya*, 1820/2008**
Views adopted on	26 March 2012
Violation	Article 2, paragraph 3, read in conjunction with articles 6 and 7 of the Covenant.

Remedy: Effective remedy, which should include a thorough and diligent investigation of the facts, the prosecution and punishment of the perpetrators, adequate information about the results of its inquiries, and adequate compensation to the authors.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 2 April 2013

The State party referred to its note verbale of 19 March 2012, in which it stressed that the Committee's follow-up procedure is not legally binding. Accordingly, the State party invites the Committee to introduce a more nuanced methodology to categorize follow-up responses by States parties, and to conduct its activities in strict conformity with the provisions of the Optional Protocol, instead of attempting to summarize or restate the State party's legal obligations.

Committee's decision: The Committee's recommendation has not been implemented. The Optional Protocol does not permit the State party to withhold cooperation with the Committee on the basis of the State party's own unique interpretation of the Optional Protocol.

State party	**Bosnia and Herzegovina**
Case	***Prutina et al.*, 1917/2009, 1918/2009, 1925/2009 and 1953/2010**
Views adopted on	28 March 2013
Violation	Article 2, paragraph 3, of the Covenant, read in conjunction with articles 6, 7 and 9 of the Covenant with regard to all of the authors and their disappeared relatives; and also a violation of article 24, paragraph 1 of the Covenant with regard to Alma Čardaković and Samir Čekić.

Remedy: Effective remedy, including (a) continuing its efforts to establish the fate or whereabouts of their relatives, as required by the Law on Missing Persons 2004; (b) continuing its efforts to bring to justice those responsible for their disappearance and to do so by the end of 2015, as required by the National War Crimes Strategy; (c) abolishing the obligation for family members to declare their missing relatives dead to benefit from social allowances or any other forms of compensation; (d) and ensuring adequate compensation.

No previous follow-up information

Submission from: Authors' counsel

Date of submission: 26 November 2013

The authors organized a conference in June 2013 to present and disseminate the Committee's Views. Afterwards, they repeatedly sent communications to various domestic authorities, advocating a prompt implementation of the Views. Such letters were sent to the Commission for the Protection of Human Rights and Freedoms of the Parliaments of the Bosnia and Herzegovina Federation (to prompt the amendment of the legislation imposing on relatives of a missing person to declare the latter dead in order to be eligible for compensation); the Missing Persons Institute (to inquire on the actions undertaken to accelerate the location process of the victims' mortal remains); to the Prosecutor's Office of both Bosnia and Herzegovina and the Sarajevo Canton (to inquire on the status of investigations with respect to the relevant crimes); to the Ministry of Human Rights and Refugees (to prompt it to undertake a coordination role regarding implementation of the Committee's Views); and to the Ombudsperson Institution of Bosnia and Herzegovina (to prompt coordination and monitoring of implementation of the Committee's Views).

With respect to translation, the authors' counsel submitted that the Ministry of Human Rights and Refugees translated the Views in the local language, and published them on the Ministry's website. The author's counsel stresses, however, that the State party has yet to widely disseminate the Views. In this regard, the authors have been pressing for the publication of the decision in the Official Gazette, but this was declined by the Ministry, for lack of the required financial resources.

The authors' counsel adds that, further to their letter to the Missing Persons Institute, a meeting was organized between this organization and the authors in September 2013, during which, inter alia, guarantees were sought from the authorities that all measures are taken to ensure that no irreparable harm is done to the mortal remains in the area of Semizovac, where some construction work recently started. During this meeting, members of the Missing Persons Institute expressed the view that more could, and should be done by the Prosecutor's Office of Bosnia and Herzegovina and the State Investigation and Protection Agency in obtaining further information on the potential location of mortal remains.

With respect to prosecution, the authors' counsel notes that the Office of the Prosecutor of the Sarajevo Canton, in their reply to the authors' letter, submitted that all criminal cases concerning war crimes committed in the Vogošća area are pending before the Prosecutor's Office of Bosnia and Herzegovina. Unfortunately, no reply was received from the Prosecutor's Office. The authors' counsel adds that the Prosecutor has been so far uncooperative with respect to the repeated attempts by the authors to meet with him.

Regarding the abolition of the obligation to declare one's missing relative dead in order to be eligible for social benefits, the authors' representatives were invited to the twentieth session of the Human Rights Commission of the Parliament of the Federation of Bosnia and Herzegovina in September 2013, during which they highlighted the Committee's Views and its conclusions on this specific issue. On 30 September 2013, at the request of the Human Rights Commission, the authors' representatives drafted a proposed amendment to the legislation. On 10 October 2013, the Parliament of Bosnia and Herzegovina acknowledged receipt of this proposed amendment. On 13 November 2013, the Human Rights Commission informed the authors' counsel that they had sent to the House of Representatives of the Federal Parliament of Bosnia and Herzegovina an urgent appeal concerning the amendment of the relevant legislation, emphasizing that legislative amendments should be a priority given the Committee's recommendation.

With respect to compensation, the authors' counsel stresses that so far, the Bosnia and Herzegovina authorities have not undertaken any compensatory measure. The authors were informed by the Ministry of Human Rights and Refugees that the only avenue in this regard would be via the initiation of regular civil proceedings. The Ministry expressly discarded the possibility of replicating the procedure applicable to the enforcement of judgments of the European Court of Human Rights. Discouraged by this information, and fearing that insisting on compensation may hinder the possibility to ascertain the fate of their loved ones, the authors decided not to pursue their claim for compensation. The authors' counsel nevertheless stresses that this is an international obligation of the State party.

Finally, regarding coordination, the authors' counsel recalls that formally, the Ministry of Human Rights and Refugees is the body responsible for monitoring and implementing international conventions. However, the Ministry informed the authors that all it could do was to send letters to the relevant authorities involved, to ask them about measures adopted to implement the Committee's Views.

The Ombudsperson institution also agreed to monitor implementation of the Committee's Views, and to send communications to the relevant authorities. Replies were received from the Prosecutor's Office of Sarajevo Canton; the Missing Persons Institute; the Ministry of Human Rights and Refugees; and the Federal Parliament of Bosnia and Herzegovina. All institutions informed the Ombudsperson that they would transmit any relevant information in due course. No response was received from the Prosecutor's Office of Bosnia and Herzegovina.

In conclusion, the authors' counsel invites the Committee to qualify the replies and actions of the State party with an assessment between B2 and C, according to its methodology. He also invites the Special Rapporteur to establish contact with the State party's authorities, to as to ensure implementation of the full remedy requested by the Committee, through the relevant domestic agencies.

Date of transmittal to State party: 29 November 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented. State party's observations were received in January and February 2014 and will be reflected in the Committee's next report on follow-up to Views.

State party	**Cameroon**
Case	***Engo*, 1397/2005**
Views adopted on	22 July 2009
Violation	Article 9, paragraphs 2 and 3, article 10, paragraph 1, and article 14, paragraphs 2 and 3 (a), (b), (c) and (d), of the Covenant.

Remedy: Effective remedy leading to his immediate release and the provision of adequate ophthalmological treatment.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 18 March 2013

The author reiterated that he remained imprisoned, further to a 15-year sentence imposed on counts of misappropriation of public funds, and that the State party refuses to enforce the Committee's Views.

Date of transmittal to State party: 26 March 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented. On 17 March 2014, the Special Rapporteur met with the Permanent Representative of Cameroon.

State party	**Cameroon**
Case	***Afuson Njaru*, 1353/2005**
Views adopted on	19 March 2007
Violation	Articles 7; 9, paragraphs 1, and 2, and 19, paragraph 2, in conjunction with article 2, paragraph 3 of the Covenant.

Remedy: Effective remedy. The State party is under an obligation to take effective measures to ensure that: (a) criminal proceedings are initiated seeking the prompt prosecution and conviction of the persons responsible for the author's arrest and ill-treatment; (b) the author is protected from threats and/or intimidation from members of the security forces; and (c) he is granted effective reparation including full compensation.

Previous follow-up information: A/65/40

Submission from: State party

Date of submission: 19 November 2013

The State party expressed regret at the author's rejection of its previous compensation offer of 20,000,000 CFA francs.[25] The State party recalled that the Committee's recommendation was devoid of any specific calculation of the quantity, thereby expressly leaving it to the discretion of the Government of the State party.

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[25] On 14 June 2012, the author's counsel had informed the Committee of the author's request of 500,000,000 CFAF as compensation for damages suffered (760,000 euros in July 2012). In reply, the authorities had proposed him 30,000,000 CFAF (45,700 euros in July 2012). The author rejected the offer, reiterating his request of 500,000,000 CFAF. On 20 February 2012, the author reiterated the same request before the Ministry of External Relations. On 27 March 2012, the Ministry of Foreign Affairs informed the author that the Government of Cameroon was ready to offer him 20,000,000 CFAF (around 30,500 euros in July 2012). The author had previously submitted that the decision to grant him compensation is a positive sign of the State party's willingness to resolve the case. Nevertheless, such a proposition is not in accordance with the damages suffered by the author, given that he is still undergoing medical treatment, is suffering severe pain in his left ear and acute hearing difficulties, as well as pain in his left jaw, memory lapses and insomnia due to post traumatic stress disorder. For these reasons, inter alia, the author recalled that the State party is under an obligation to grant him effective reparation including full compensation for the injuries suffered (A/65/40).

The State party adds that, without seeking to contest the Committee's Views, the decision was adopted on the basis of information provided by the author only, as the State party regrettably could not participate in the procedure.[26] Accordingly, the compensation offer extended to the author does not imply an acknowledgment of the prejudice allegedly suffered by the author, but rather reflects the willingness of the Government to abide by its international obligations.

While sympathizing with the author, the State party's Government, shaken by multiple economic and financial crisis, is not in a position to accede to his request for 500,000,000 CFAF which would, in any event, not soothe the health condition which he claims he suffers. The State party reiterates that it maintains its previous offer, of which the author can avail himself at any moment.

Date of transmittal to the author: 18 December 2013

Committee's provisional assessment:

- Remedy:
  (a) Criminal prosecution: C1
  (b) Protection from threats and intimidation: C1
  (c) Effective reparation, including full compensation: B2
- Publication of the Committee's Views: C1
- Measures adopted to guarantee non-repetition: C1

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented. On 17 March 2014, the Special Rapporteur met with the Permanent Representative of Cameroon.

State party	**Canada**
Case	***Dumont*, 1467/2006**
Views adopted on	16 March 2010
Violation	Article 2, paragraph 3, read in conjunction with article 14, paragraph 6, of the Covenant.

Remedy: Effective remedy in the form of adequate compensation.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 7 March 2013

The author informed the Committee that, on 16 November 2012, the Court of Appeal of Quebec rejected his appeal lodged against the decision of the Superior Court of Quebec, Montreal District, which had rejected his action on civil liability against the General Prosecutors of Quebec and Canada (on the ground that the latter had not committed any extra-contractual fault, causing the wrongful conviction and detention of the author. See A/68/40).[27] The author further informed the Committee that he approached his county's deputies, with a view to seizing the Ministry of Justice of his case and request for compensation. None of his steps were successful.

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[26] The State party failed to cooperate in the procedure.

Submission from: Author

Date of submission: 20 March 2013

The author responded to the State party's observations of 25 February 2013 (A/68/40), stressing that the compensation he received was paid by the City of Boisbriand's insurers, for the faults committed by the City's policemen. The City of Boisbriand only minimally contributed to the amount paid. According to the author, the compensation paid by the City of Boisbriand's insurers is not related to article 14, paragraph 6, of the Covenant. Consequently, he claims that he has not been offered a remedy for the violation found by the Committee.

Date of transmittal to the State party: 14 May 2013 (for both submissions)

Submission from: Author

Date of submission: 20 June 2013

The author informed the Committee of the decision of the Supreme Court of Canada of 16 May 2013, denying him leave to appeal the negative decision of the Court of Appeal of Quebec of 16 November 2012. The author further informed the Committee that he had thus exhausted all avenues to enforce the Committee's decision, and to be compensated accordingly.

Submission from: State party

Date of submission: 24 June 2013

The State party informed the Committee that, on 16 May 2013, the Supreme Court of Canada rejected the author's application for leave to appeal the negative decision of the Court of Appeal of Quebec of 16 November 2012. According to its practice, the Supreme Court did not provide reasons for its decision. As a result of this decision, the judgement of the Court of Appeal of Quebec has become final. The State party reiterates that, in its view, the financial compensation received by the author from the City of Boisbriand's insurers adequately responds to the Committee's remedy requested. The author was compensated as a result of an out-of-court agreement with the City of Boisbriand and its insurers, which he sued in civil liability, for damages incurred as a result of his conviction of imprisonment. These grounds are the same as those invoked by the author before the Committee, and also relate to the same facts. The State party adds that the City of Boisbriand is a public authority, under the jurisdiction of the Province of Quebec. All defendants in the civil action were sued jointly and solidarily for one global amount.

The State party adds that if its tribunals had found the Governments of Quebec and/or Canada to be liable, they would necessarily have taken into account the amount already received by the author by the City of Boisbriand and its insurers, and may have found it sufficient to compensate him for the prejudice suffered, as he claims, as a result of his conviction and imprisonment. The State party also recalls, that in the course of proceedings before the Superior Court of Quebec, the General Prosecutor of Quebec held that the amount received by the author from the City of Boisbriand and its insurers fully compensates the author for all damages allegedly incurred. In addition, the Court of Appeal of Quebec had qualified the amount received as "substantial". According to the State party, the fact that the major part of the compensation received by the author was paid by the City's insurers is immaterial, the role of insurers being precisely to compensate the insured party, i.e. the City of Boisbriand in this case. What matters, according to the State party, is that the author was actually compensated for damages deriving from the judicial error which he alleges he suffered. In this regard, the amount paid by the City of Boisbriand and its insurers adequately remedies the violation of the Covenant found by the Committee.

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[27] Regarding the issue of reparation under article 14, paragraph 6, of the Covenant, the Court of Appeal stressed that the mere ratification of the Covenant by the State party does not give it executory force, in internal law, unless expressly incorporated to national law. Canadian law does not encompass a no-fault regime, whereby victims of a miscarriage of justice would be automatically compensated.

The State party reiterates that the author cannot, on the one hand, refuse to cooperate fully with the Committee by not revealing the amount received, and, on the other hand, hold that this amount does not adequately respond to the violation found by the Committee. This is all the more true since the City of Boisbriand and its insurers accepted to renounce to the confidentiality of the out-of-court agreement reached with the author for the purposes of the procedure before the Committee, and that the Committee's own rules of procedure allow the Committee to ensure the confidentiality of information transmitted in the framework of its follow-up procedure.

Committee's decision: At its 108th session, the Committee decided to close the follow-up consideration of the case, with a note of a satisfactory implementation of the Committee's recommendation, in the light of the compensation received by the author.

State party	**Canada**
Case	***Thuraisamy*, 1912/2009**
Views adopted on	31 October 2012
Violation	Article 7 of the Covenant.

Remedy: Effective remedy, including a full reconsideration of the author's claim regarding the risk of treatment contrary to article 7, should he be returned to Sri Lanka, taking into account the State party's obligations under the Covenant.

No previous follow-up information

Submission from: State party

Date of submission: 9 July and 1 October 2013

In its initial submission, the State party informed the Committee that the author's latest application for permanent residence in Canada on the basis of humanitarian and compassionate considerations had been reopened for reconsideration, which would include a consideration of the risks and hardships that the author would face in Sri Lanka, as well as his degree of establishment in Canada. The reconsideration would also take into account the Committee's views. In a subsequent submission, the State party informed the Committee that, on 3 September 2013, the author's application on the basis of humanitarian and compassionate considerations was approved in principle. The author is presently undergoing the requisite background checks (criminal, security, medical, passport, and arrangements for care and support), before his application for permanent residence can be finally determined and permanent resident status formally conferred. The State party added that the author's removal was stayed pending the finalization of these verifications. Provided that he is granted permanent resident status, the author will not be subject to removal from Canada unless he violates any of the conditions of his status (such as the commission of serious crimes). After the requisite period of residency, he will be eligible to apply for Canadian citizenship. Consequently, the State party does not consider that any additional measures are required to remedy the author's situation.

Date of transmittal to the author: 22 July 2013 and 7 October 2013, respectively

Committee's provisional assessment: A (reply largely satisfactory)

Committee's decision: Follow-up dialogue ongoing, pending receipt of the author's confirmation that his application on the basis of humanitarian and compassionate considerations was approved. A reminder was sent to the author on 7 March 2014.

State party	**Colombia**
Case	***Baustista de Arellana*, 563/1993**
Views adopted on	27 October 1995
Violation	Articles 6, paragraph 1, 7, and 9, paragraph 1, of the Covenant.

Remedy: An appropriate remedy, which should include damages and an appropriate protection of members of Nydia Erika Bautista's family from harassment.

Previous follow-up information: A/63/40

Submission from: Author

Date of submission: 13 June 2013

The author informed the Committee that in April 2013 the Consejo de Estado, the highest administrative court in the country, had declared null and void its decision of 1995, requesting the revocation of General Alvaro Velandia Hurtado from the Army for his responsibility in the disappearance and death of Ms. Bautista de Arellana. The new decision was based on the fact that, at the time, the notification of the dismissal had not been made within the legal deadline. The author also informs the Committee about repeated acts of harassment against Ms. Bautista's relatives and reiterates that the Committee's recommendations on the case, in particular to conduct a penal investigation, have not been complied with.

Submission from: State party

Date of submission: 20 September 2013

The State party informed the Committee that the criminal investigation into Ms. Bautista's death is ongoing.

Date of transmittal to the author: 25 September 2013

Committee's provisional assessment: C1

Committee's decision: Follow-up dialogue ongoing. The Committee's decision has not been implemented.

State party	**France**
Case	***J.O.*, 1620/2007**
Views adopted on	23 March 2011
Violations	Article 14, paragraphs 2 and 5, in conjunction with article 2 of the Covenant.

Remedy: Effective remedy, including a review of the author's criminal conviction and appropriate compensation.

Previous follow-up information: A/67/40

Submission from: Author's counsel

Date of submission: 1 February 2013

The author's counsel indicated that the State party had yet to remedy the breach of the Covenant found by the Committee with respect to the author. As a result of his unlawful conviction, the latter continues to suffer at the personal and professional levels. Because he is unable to practice his profession, he has been obliged to take a temporary, precarious contract overseas, while his partner and children live in the United Kingdom of Great Britain and Northern Ireland. According to the author's counsel, the State party authorities have made it clear that had the same opinion been formed by the European Court of Human Rights, it would have been possible for the author's conviction to be reversed. There is no basis in international law for distinguishing between the State party's obligations under the European Convention on Human Rights and the Covenant.

Date of transmittal to State party: 23 May 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**France**
Case	***Cochet*, 1760/2008**
Views adopted on	21 October 2011
Violation	Article 15 of the Covenant.

Remedy: The State party is under an obligation to provide the author with an effective remedy, including appropriate compensation

Previous follow-up information: A/68/40

Submission from: Author's counsel

Date of submission: 2 September 2013

The author's counsel indicated that the State party had yet to remedy the breach of the Covenant found by the Committee with respect to the author.

Submission from: State party

Date of submission: 25 October 2013

The State party submits that appeals proceedings initiated by the author are currently pending, after the latter's claim for compensation based on the Committee's Views was rejected by the Tribunal de Grande Instance de Paris. Accordingly, the State party submits that it is not in a position to submit observations.

Submission from: Author's counsel

Date of submission: 7 November 2013

The author's counsel confirms that along with the Acolyance company he initiated legal proceedings, currently pending before the Court of Appeal of Paris. The author adds that the Ministry of Justice, defendant in the procedure, persists in claiming that the State party did not commit any fault, and, consequently, that no reparation is due to the author.

Submission from: State party

Date of submission: 17 December 2013

The State party reiterated its previous submission, based on the existence of pending legal procedures on the author's case.

Date of transmittal to the author: 13 January 2014

Committee's provisional assessment:

- Remedy (Review of the author's criminal conviction and appropriate compensation): C1
- Publication of the Committee's Views: no information
- Measures adopted to guarantee non-repetition: no information

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**France**
Case	***Singh*, 1852/2008**
Views adopted on	1 November 2012
Violation	Article 18

Remedy: Effective remedy, including appropriate compensation.

No previous follow-up information

Date of submission: 10 June 2013

The State party explains that Law No. 2004-228 of 15 March 2004 (introducing article L. 141-5-1 of the Code of Education) prohibits the wearing of conspicuous religious symbols in public primary and secondary schools. The law does not prohibit wearing of religious symbols altogether, but only those which immediately lead to the identification of the student as part of a religious group, such as the Islamic veil, the kippa, a Christian cross of a manifestly excessive size, or the keski, for example. The law applies to all students, without exception.

The State party points out that its legislation on the wearing of religious symbols is in line with European and international law. The Conseil d'Etat, in its Ruling of 5 December 2007 *Bikramjit Singh*, has upheld the conformity of article L. 141-5-1 of the Code of Education with articles 9 (freedom of conscience and religion) and 14 (non-discrimination) of the European Convention on Human Rights, on the ground that it did not constitute an excessive limitation to these provisions, and that it pursued a legitimate objective, i.e. the respect for the principle of secularism in public schools, without discrimination. According to the State party, the law does not treat differently Sikh students from students of other confessions, and is thus devoid of a discriminatory character.

Similarly, the European Court of Human Rights declared inadmissible six applications against France,[28] in which applicants were challenging their definitive exclusion from school because of their wearing conspicuous religious signs. The Court found that the impugned prohibition pursued a legitimate objective (protection of the rights and freedoms of others and public order), and stressed that the students could carry their studies in other schools, or through distance education. Consequently, and taking into account States' margin of appreciation, the Court held that the definitive expulsion of the students were justified and proportionate to the objective sought.

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[28] European Court of Human Rights, decisions of 30 June 2009, *Aktas v. France*, application No. 43563/08; *Bayrak v. France*, application No. 14308/08; *Gamaleddyn v. France*, application No. 18527/08; *Ghazal v. France*, application No. 29134/08; *Jasvir Singh v. France*, application No.

The State party is therefore of the view that its law has allowed it to find the right balance between the students' freedom of conscience and the principle of secularism. According to a 2004–2005 report on the application of the Law of 15 March 2004, the number of religious signs reported was 639, i.e. half of the number reported the year before, when the law was not yet in force. In 96 cases, students voluntarily left the school. 47 expulsions were pronounced, 28 of which were appealed before administrative jurisdictions. The rest of the students decided to forego the wearing of religious signs. The mandatory phase of dialogue provided for by law thus allowed, in the vast majority of cases, to avoid an expulsion. In the beginning of the school year 2005/06, only three students, including a Sikh student, filed an appeal of their expulsion decision. The following school year, only two Sikh students did. Since the school year 2008/09, the State party has not recorded any appeal filed against an expulsion decision.

Accordingly, the State party holds that students and their families who opted for public education are aware of, and accept the law of 15 March 2004.

The State party concludes that it does not intend to revise article L. 141-5-1 of the Code of Education.

Submission from: Author's counsel

Date of submission: 13 August 2013

The author's counsel, referring to the State party's observations of 10 June 2013, submitted that it was apparent that the latter did not intend to give effect to the Committee's Views, nor to publish them. According to the author's counsel, most of the State party's arguments are a restatement of its previous observations, submitted on the merits of the case, which relied upon decisions of domestic courts, and the European Court of Human Rights. The author's counsel stresses that these decisions are not binding on the Committee, and that reliance on such determinations would undermine the efficiency of the procedure under the Optional Protocol.

Regarding the State party's argument that Act 2004-228 is well accepted by pupils and their families, in the light of the progressive reduction in the number of pupils expelled, the author's counsel affirms that this only shows that pupils are aware that if they wish to go to State schools, they have no choice but to comply with Act 2004-228; that in the light of the case law referred to by the State party, there is no realistic prospect of successfully challenging an expulsion based on the Act; and that if they wish to continue wearing a conspicuous religious sign, they must pursue their education otherwise than in the State system. The fact that pupils and their families are obliged to acquiesce to the law cannot be equated to acceptance of it, nor should they be obliged to choose between their religious observance and the education which they are entitled to expect from the State.

The author's counsel requests that the Committee engage the State party's Government in a dialogue, with a view to giving effect to the Committee's Views on the compatibility of the law. He also requests that the State party furnish evidence that the Committee's Views were published.

With respect to compensation, the author's counsel recalls that the author's exclusion from classes and his expulsion from school caused great distress to him and his family. Following his expulsion, he sought to continue his studies by distance learning. Owing in part to the disruption in his education caused by his expulsion, he failed his correspondence course and had to repeat a year. In his first year of

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25463/08; and *Ranjit Singh v. France*, application No. 27561/08.

employment following graduation, he earned 33,540 euros. Had he graduated a year earlier, he would have received a similar sum for one additional year. The author therefore requests the Committee to invite the State party to pay him this sum, together with an appropriate amount to reflect the non-pecuniary damage that he and his family have suffered.

The author's counsel further submits that the legal costs of representation before the Committee, excluding translators' fee, amount to 10,437.75 British pounds. The legal costs of representation of three individuals, including the author, before domestic courts amount to some 20,000 euros, of which the author claims one third.

Submission from: State party

Date of submission: 29 October 2013

The State party first submits, with respect to the issue of the publication of the Committee's Views, that dissemination and publicity of such decisions is already guaranteed by the Committee, which publishes its Views on its own website.

Regarding compensation, the State party reiterates that the legal regime governing conspicuous religious symbols was found to be compatible with the principles of freedom of religion and non-discrimination, both at the domestic level, and by the European Court of Human Rights. Accordingly, the State party is of the view that the Law of 15 March 2004, which is not applicable to private schools, allowed to reach an appropriate balance between the pupils' freedom of conscience, and the principle of secularism. There is consensus on the Law, and its implementation no longer raises any difficulty. For these reasons, the State party does not intend to accede to the author's requests for compensation.

Date of transmittal to author: 1 November 2013

Committee's provisional assessment:

- Remedy (Effective remedy, including appropriate compensation): C1
- Publication of the Committee's Views: C2
- Measures adopted to guarantee non-repetition: C2

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Kyrgyzstan**
Case	***Zhumabaeva*, 1756/2008**
Views adopted on	19 July 2011
Violation	Violations of the author's son's rights under articles 6, paragraph 1, and 7; and of the author's rights under article 2, paragraph 3, in conjunction with articles 6, paragraph 1, and 7 of the Covenant.

Remedy: Effective remedy, which should include an impartial, effective and thorough investigation into the circumstances of the author's son's death, prosecution of those responsible and full reparation, including appropriate compensation.

Previous follow-up information: A/68/40

Submission from: Author's counsel

Date of submission: 12 March 2013

The author's counsel reiterated his previous comments and noted that the State party's last submission did not provide any indication that it would implement the Committee's Views. The State party has only repeated details of the steps taken during the domestic proceedings, which the Committee has already found to be ineffective. The State party should initiate a thorough and fully independent and impartial investigation into the circumstances of Mr. Moidunov's death, which is capable of leading to the identification and punishment of those responsible. It should also ensure full reparation, including prompt payment of appropriate compensation to the author.

Submission from: State party

Date of submission: 15 May 2013

The State party reiterated the facts of the case, also submitting that, on 27 December 2006, the Supreme Court quashed the decision of the Zhalal-Abad Regional Court of 5 September 2006 and upheld the decision of the Suzak District Court of 21 September 2005. According to article 382 of the Criminal Procedure Code, the decisions of the Supreme Court are final and are not subject to appeal. At the same time, pursuant to article 66 of the Criminal Code, the criminal proceedings against the defendant, who had been accused of causing the death to Mr. Moidunov, were terminated as the author signed an agreement indicating that she had received compensation of 30,000 Kyrgyz soms from the defendant, and that the case had been settled.

The defendant was accused of negligent performance of duties, which is a crime of minor gravity punishable by up to five years' imprisonment under article 316, paragraph 2, of the Criminal Code. According to article 66, paragraph 1, of the Criminal Code, reconciliation and compensation to the victim exempts a person from criminal liability for minor or less serious crimes.

Therefore, the State party submits that, during the proceedings before the Suzak District Court, the victim did not object to exempting the defendant from criminal liability. It further submits that the arguments contained in the Committee's Views contain no reference to any new circumstance which would lead to reopening of the proceedings owing to newly discovered evidence.

The State party emphasizes that the 2004–2006 proceedings before the domestic courts were conducted in compliance with the criminal and criminal procedure legislation of Kyrgyzstan. The fact that the proceedings were considered ineffective does not entail a re-examination of the criminal case. In addition, the decisions of the Supreme Court are final and are not subject to appeal. Under article 384, paragraph 2, of the Criminal Procedure Code, reopening of proceedings is only possible in the event of newly discovered evidence.

The State party submits that Mr. Moidunov's relatives did not seek to avail themselves of this procedure. Therefore, the State party considers that the author has failed to exhaust domestic remedies under article 5, paragraph 2 (b), of the Covenant and that, therefore, it will not engage in further dialogue with the Committee on this matter.

Committee's provisional assessment: C2 (Reply received but not relevant to the recommendation)

Submission from: Author

Date of submission: 2 July 2013

The author's counsel reiterated his previous comments and noted that the State party, for the first time, claimed that the author could have applied to reopen the investigation based on new evidence. However, it failed to identify any available evidence which could have satisfied this provision, or explain how a new investigation would have been any more effective. According to the author's counsel, given the State party's persistent refusal to implement the Views in this case, the Committee should continue its dialogue with the State party, reiterating the specific remedies requested. As part of its efforts to seek implementation of the Committee's Views, the author's counsel had requested, through the Office of the United Nations High Commissioner for Human Rights Regional Office for Central Asia, that a representative of the Prosecutor General join the proceedings on the side of the plaintiff (author). At the hearing on 26 April 2013, the representative of the Prosecutor General, sent to participate solely as a witness, made arguments in support of the Ministry of Finance, and essentially took the Government's position as reflected in the latter's observations.

The author's counsel stresses that it is particularly inappropriate for the State party, at this stage, and for the first time, to question the admissibility of a case which has been decided on the merits.

The State party has repeated its claim that the mother of Mr. Moidunov received 30,000 soms from one of the officers accused of negligence in purportedly allowing her son to hang himself and that, in accepting, she agreed to absolve him of criminal liability. The author's counsel stresses, however, that, as determined by the Committee, the acceptance of a small payment to assist with the funeral cost has not waived the author's right to know the circumstances in which her son died, and to hold perpetrators accountable. The payment was made in the context of the prosecution of only one officer involved, and for mere negligence, instead of any actual involvement in the torture and killing of the victim. Also, it is clear from the domestic court judgement that the victim's brother asked for additional investigations and appealed the judgment. Moreover, in cases involving the right to life, and death in police custody, a waiver of the right to pursue justice may be permitted under only the most limited of circumstances, if the domestic authorities are to comply with their duties to protect the right to life and to investigate prima facie arbitrary killings.

With respect to the State party's allegation that decisions of the Supreme Court (which upheld the acquittal of the officer for negligence) are final and not subject to appeal, the author's counsel notes that, at the same time, the State party has claimed that the author could have requested the reopening of court proceedings, based on newly discovered evidence, under article 384 of the Code of Criminal Procedure, and that the failure to do so demonstrated the non-exhaustion of domestic remedies. This argument is without merit, according to the author's counsel, as the highest domestic court had ruled on the case, and the author had therefore exhausted domestic remedies. The obligation to investigate violations of the right to life and the prohibition of torture rests on the State party, regardless of whatever legal action might theoretically have been pursued by authors. It cannot shift this obligation onto the relatives of a victim to investigate themselves and produce the evidence necessary to reinitiate an investigation. Furthermore, the State party gives no indication of what newly discovered evidence it believes the author has, or has access to, which would convince the Prosecutor's Office and the Supreme Court to reopen the investigation. In particular, the State party has explicitly stressed, in its latest observations, that the Committee's Views do not provide a basis for reopening the proceedings. Finally, the State party failed to articulate why reopening the same investigation would be any more effective than the prior investigation. Given the flaws in that initial investigation, a truly independent and effective investigation in this case may well require that it be conducted through a Commission of Inquiry.

Finally, the author's counsel reiterates that the State party should initiate a thorough and fully independent and impartial investigation into the circumstances of Mr. Moidunov's death, which is capable of leading to the identification and punishment of those responsible. It should also ensure full reparation, including prompt payment of appropriate compensation to the author. Finally, appropriate safeguards against torture and killings in detention should be put in place, in particular effective and independent oversight of police stations and other sites of pretrial detention, improved police training and reform of performance criteria, as well as independent medical and forensic services.

Date of transmittal to the State party: 18 October 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented. On 11 March 2014, the Special Rapporteur met with members of the State party's delegation present for the examination of the State party's periodic report.

State party	**Latvia**
Case	***Raihman*, 1621/2007**
Views adopted on	28 October 2010
Violation	Article 17 of the Covenant.

Remedy: An appropriate remedy, and to adopt such measures as may be necessary to ensure that similar violations do not occur in the future, including through the amendment of relevant legislation.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 22 August 2013

The State party submitted that it disagrees with the author's contentions, and maintains the strong view that for reasons previously explained (A/68/40), there is no immediate need to change the existing legal framework governing the reproduction of names in official documents in Latvia, in order to ensure implementation and compliance with the Committee's Views.

At the same time, the State party recalled that the European Court of Human Rights, having examined the parties' arguments in the *Mentzen* and *Kuharec* cases, and the issue whether the alleged interference with the applicants' right to private and/or family life had been proportionate, rejected the complaints as manifestly ill-founded. The Court found the State's objective to be a legitimate one, and the interference to be a proportionate restriction to the applicants' right.

The State party further confirms that the Views adopted in this case were translated into Latvian, and published in the official newspaper Latvijas Vestnesis (24 April 2012; 63 (4666)), as well as on the official website of the Supreme Court of Latvia,[29] and were the subject of an extensive public debate. At the same time, the State party stresses that neither the Committee's Views (para. 11), nor its rules of procedure, or its general comment No. 33 set specific time limits for the publication of the Views, particularly taking into account that, prior to the official publication, translation into the State's official language is required. Likewise, none of the aforementioned sources provide for an obligation upon the State party to consult with the author when considering and deciding in the measures to be taken in the course of the implementation process.

Finally, the State party draws the Committee's attention to the fact that on the basis of the Views, the author has instituted domestic proceedings with respect to the issuance of an administrative act recognizing that his personal name in the Latvian language should be reproduced in its original form "Leonid Raihman", and also seeking compensation for non-pecuniary damages in the amount of 3,000 Latvian lats (approximately 4,270 euros). The case is currently pending before the first instance court.

In the light of the foregoing, the State party invites the Committee to close the follow-up dialogue in this case.

Date of transmittal to the author: 24 September 2013

Committee's provisional assessment: C1

Submission from: Author's counsel

Date of submission: 24 October 2013

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[29] Available from www.at.gov.lv/lv.

The author's counsel considers irrelevant the State party's argument that the Committee's Views contradict the European Court of Human Rights case law. He stresses that compliance with the European Convention on Human Rights does not automatically mean compliance with the Covenant. He adds that the State party has misinterpreted the ratio of this jurisprudence.

The author's counsel further informs the Committee that, following the adoption of the Views, he has applied for a review of the case de novo before the Senate of the Supreme Court. In a decision of 12 May 2011, the Senate declared that, in principle, the Views of the Committee can be considered on an equal footing with a decision of the European Court of Human Rights, or another international or supranational court, for the purposes of revision on the ground of newly discovered facts. However, in a decision dated 15 June 2011 in the same case, the Senate dismissed the author's application, on the ground that the case should first be revised by competent administrative authorities (in particular, the State Language Centre). Accordingly, on 18 July 2011 the author applied for a revision of his case before the State Language Centre. The Centre rejected his application on 13 June 2012. The author appealed the decision before the Ministry of Justice. On 12 September 2012 the Ministry rejected his application. The author appealed against the decision to the District Administrative Court, and the case is pending. The author's counsel invites the Committee to pursue its efforts to implement its Views.

Date of transmittal to the State party: 25 October 2013

Committee's decision: Follow-up dialogue ongoing.

State party	**Libya**
Case	***El Hagog*, 1755/2008**
Views adopted on	19 March 2012
Violation	Article 7, both alone and read in conjunction with article 2, paragraph 3, and of articles 9 and 14 of the Covenant.

Remedy: Effective remedy, including conducting a new full and thorough investigation into allegations of torture and ill-treatment and initiating proper criminal proceedings against those responsible for the treatment to which the author was subjected; and providing the author with appropriate reparation, including compensation

No previous follow-up information

Submission from: Author's counsel

Date of submission: 8 April 2013

The author's counsel submits that the State party has not undertaken any steps to give effect the recommendations of the Committee. Regarding the provision of compensation, counsel indicates that a civil case was filed by the author against 12 State agents considered accountable. By judgment dated 21 March 2012, the district Court of The Hague ruled in the author's favour and awarded him 1,000,000 euros in compensation for the damages suffered. As the 12 defendants are all nationals of the State party, the State party should be requested to ensure payment of the compensation ordered by The Hague District Court, thereby giving effect to its obligation to provide the author with appropriate compensation pursuant to the Committee's Views.

The author's counsel requests the Committee's Special Rapporteur on follow-up on Views to discuss the matter directly with the State party authorities, and annex a letter for the Special Rapporteur to transmit to the State party on this occasion, should he consider it appropriate.

Date of transmittal to the State party: 16 May 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented. A meeting with the Permanent Mission of Libya will take place during the Committee's 111th session.

State party	**Mauritius**
Case	***Narrain et al.*, 1744/2007**
Views adopted on	27 July 2012
Violation	Article 25 (b) of the Covenant.

Remedy: An effective remedy, including compensation in the form of reimbursement of any legal expenses incurred in the litigation of the case, to update the 1972 census with regard to community affiliation and to reconsider whether the community-based electoral system is still necessary. The State party is under an obligation to avoid similar violations in the future.

Previous follow-up information: A/68/40

Submission from: Author's counsel

Date of submission: 5 April 2013

In the light of the measures described by the State party in its submission of 27 February 2013 (A/68/40), the author's counsel contends that the authorities have failed to comply with the Committee's Views. The measures described by the State party are intrinsically uncertain, vague, and confusing, based on conjectures, suppositions, and mere intentions. The last general elections were held in Mauritius in 2010 when the authors' right was infringed, as found by the Committee. General elections in Mauritius must mandatorily take place within five years of the preceding election. Parliament may be dissolved and a new general election held prior to the scheduled time. The State party has failed to specify practical measures that would effectively guarantee the rights of the authors to be able to stand as candidates for any future election.

Submission from: State party

Date of submission: 20 June 2013

Referring to the authors' submission, the State party explains that issues arising out of article 25 of the Covenant necessarily require major reforms to the Constitution, for which widespread consultations are needed, and are being undertaken. Even the highest court, the Judicial Committee of the Privy Council, acknowledged that "it would be better for these issues to be decided as a result of political debate and, if necessary, constitutional reform". Such a political solution can only be achieved after a nationwide consultation involving constitutional experts, and including the voices of all the minority groups forming part of the multiracial Mauritian Nation. The State party reiterates that any piecemeal electoral reform to provide for short-term solutions will only exacerbate the problem of representation and participation in electoral processes. Taking into account that the present Constitution of Mauritius was adopted after a long and arduous process, the reforms cannot but be laborious for the sake of continuing political stability and the strengthening of democracy. The State party intends to publish the proposed consultation paper in July 2013, which will invite representations and opinions on its preferred options for change to the electoral system.

Date of transmittal to the author: 15 July 2013

Committee's decision: Follow-up dialogue ongoing.

State party	**Nepal**
Case	***Sharma*, 1469/2006; *Giri*, 1761/2008; *Maharjan*, 1863/2009**
Views adopted on	***Sharma***: 28 October 2008; ***Giri***: 24 March 2011; ***Maharjan***: 19 July 2012
Violation	***Sharma***: Article 7, article 9, article 10 and article 2, paragraph 3, read together with article 7, article 9 and article 10 with regard to the author's husband; and article 7, alone and read together with article 2, paragraph 3, with regard to the author herself; ***Giri***: articles 7; 9 and 10, paragraph 1, read in conjunction with article 2, paragraph 3, of the Covenant vis-à-vis the author; article 7, read in conjunction with article 2, paragraph 3, of the Covenant with regard to the author's wife, Dhanmaya Giri, and their two children, Yashoda and Yogesh Giri; ***Maharjan***: articles 7; 9 and 10, paragraph 1, read alone and in conjunction with article 2, paragraph 3, of the Covenant as regards the author; article 7, read in conjunction with article 2, paragraph 3 of the Covenant with regard to the author's wife and his parents.

Remedy:

***Sharma*, 1469/2006:** Effective remedy, including a thorough and effective investigation into the disappearance and fate of the author's husband, his immediate release if he is still alive, adequate information resulting from the investigation, and adequate compensation for the author and her family for the violations suffered by the author's husband and by themselves.

***Giri*, 1761/2008:** Effective remedy, by ensuring a thorough and diligent investigation into the torture and ill-treatment suffered by the author, the prosecution and punishment of those responsible, and providing the author and his family with adequate compensation for the violations suffered. In doing so, the State party shall ensure that the author and his family are protected from acts of reprisals or intimidation.

***Maharjan*, 1863/2009:** Effective remedy, by (a) ensuring a thorough and diligent investigation into the torture and ill-treatment suffered by the author; (b) the prosecution and punishment of those responsible; (c) providing the author and his family with adequate compensation for all the violations suffered; and (d) amending its legislation so as to bring it into conformity with the Covenant, including the amendment and extension of the 35-day statutory limitation from the event of torture or the date of release for bringing claims under the Compensation relating to Torture Act; the enactment of legislation defining and criminalizing torture; and the repealing of all laws granting impunity to alleged perpetrators of acts of torture and enforced disappearance. In doing so, the State party shall ensure that the author and his family are protected from acts of reprisals or intimidation.

Previous follow-up information: A/68/40 (with regard to *Sharma*, 1469/2006)

Submission from: Authors' counsel

Date of submission: 20 March 2013

With reference to the State party's argument that it is committed to providing justice through yet to be established transitional justice mechanisms, the authors' counsel informs the Committee that following an agreement to form an "interim election government" under the Chief Justice of the Supreme Court on

13 March 2013, a Truth and Reconciliation Commission was established by ordinance, as part of an 11-point political agreement. The ordinance was presented to the President of Nepal and signed into law on 14 March 2013.

According to the author's counsel, the ordinance does not comply with international standards and has been strongly criticized by the United Nations High Commissioner for Human Rights in a public statement. Members of civil society and victims' groups were not able to provide comments on the draft ordinance. Article 23 of the ordinance empowers the Commission to recommend to the Government of Nepal that a perpetrator of gross violations of human rights committed during the conflict be granted an amnesty for such crimes. This provision is inconsistent with the legal obligations of Nepal under international law. Article 29 of the ordinance also introduces a complex process for filing any criminal prosecution for conflict-related cases, with a 35-day limitation period. This process is more restrictive than that under the current criminal justice system in Nepal and could be used to further delay and avoid prosecution of conflict-related crimes. Furthermore, the ordinance does not recognize reparation as a right of the victim. This will put at risk the chances of the authors in the above cases, and those of the many thousands of other victims of violations committed during the conflict in Nepal, of achieving justice in their cases.

Establishing the commission through ordinance puts the commission in a difficult position, as its continuing operation will have to be confirmed after a new parliament resumes, making it inherently dependent on the political parties' assessment of its performance. Given these serious concerns, the authors' counsel invites the Committee to remind the State party of its obligations to investigate and try those alleged to be responsible for the crimes in these communications through the normal criminal justice system.

With respect to compensation, the author's counsel informs the Committee that in communication No. 1761/2008 (*Giri*), the author received 150,000 Nepalese rupees (approximately 1,740 United States dollars) in "interim relief" from the Government. According to the author's counsel, the small amount of interim relief paid does not come close to providing adequate monetary compensation. Furthermore, these payments have not been met by any other form of remedy or reparation as required under article 2, paragraph 3, the Covenant.

In relation to communication No. 1863/2009 (*Maharjan*), the author's counsel notes that no compensation above 25,000 Nepalese rupees (approximately 290 United States dollars, an amount which is generally provided to victims of "abduction" from the conflict period) was provided. Mr. Maharjan has not been provided with any other form of remedy or reparation, despite the adoption of Committee's Views in July 2012 finding numerous violations of the Covenant. The authors' expresses concern at the failure of the State party to implement the Committee's Views in these communications, and request the Committee to continue to take all possible steps to encourage implementation.

Date of transmittal to the State party: 8 April 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendations have not been implemented.

Submission from: State party

Date of submission: 19 September 2013

With respect to communication No. 1469/2006 (*Sharma*), the State party recalled that the author was provided with 400,000 Nepalese rupees (see A/68/40). It adds that this is only interim relief, as Ms. Sharma is entitled to receive reparation after the establishment of the transitional justice mechanism as provided by law.

The State party adds that the author and her family are no longer harassed or intimidated by any State or non-State actors. The Ministry of Home Affairs and the Ministry of Defence were given special instructions in this regard, and were also requested to guarantee that such incidents are not repeated in the future.

On 14 March 2013, the Government of Nepal promulgated an ordinance for constituting a commission on investigation of disappeared persons, truth and reconciliation. Once the Commission is constituted, victims will be entitled to obtain justice through this transitional justice mechanism, as well as through the ordinary criminal justice system.

The State party stresses that the ordinance is in compliance with international standards. It includes provisions on investigation, prosecution, and adjudication of serious human rights violations. The Commission to be established will be fully independent and impartial. It will be empowered to recommend reparation and to prosecute those perpetrators involved in serious crimes covered by the law. The Commission will also be empowered to recommend action as per the existing laws. On the basis of the Commission's recommendation, the Attorney General may file a case against perpetrators in a court of law. The report of the Commission will be binding upon the Government. The State party claims it is committed to establish such Commission at the earliest.

With respect to communication No. 1761/2008 (*Giri*), the State party recalls that the author received 150,000 Nepalese rupees as "interim relief" from the Government (see above). The author is further entitled to receive reparation after the establishment of the transitional justice mechanism described above. Also, Mr. Giri and his family are no longer harassed or intimidated by any State or non-State actors.

Date of transmittal to the authors: 14 October 2013

Committee's provisional assessment:

Sharma:

- Remedy (a): thorough and effective investigation into the disappearance and fate of the author's husband, his immediate release if he is still alive, and adequate information resulting from its investigation: C1; (b) adequate compensation for the author and her family: B2
- Publication of the Committee's Views: no information
- Measures adopted to guarantee non-repetition: C1

Giri:

- Remedy: (a) diligent investigation into the torture and ill-treatment suffered by the author, prosecution and punishment of those responsible: C1; (b) adequate compensation: B2; (c) Protection from acts of reprisals or intimidation: B1
- Publication of the Committee's Views: no information

Maharjan:

- Remedy: (a) ensuring a thorough and diligent investigation into the torture and ill-treatment suffered by the author; (b) the prosecution and punishment of those responsible; (c) providing the author and his family with adequate compensation for all the violations suffered: D1 (No reply received within the deadline)

Committee's decision: Follow-up dialogue ongoing in the three cases. The Committee's recommendations were not implemented.

A reminder was sent to the State party on 16 October 2013, requesting observations on case No. 1863/2009 (*Maharjan*), which are overdue.

On 19 March 2014, the Special Rapporteur met with members of the State party's delegation present for the examination of the State party's periodic report.

State party	**Norway**
Case	***Aboushanif*, 1542/2007**
Views adopted on	17 July 2008
Violation	Article 14, paragraph 5, of the Covenant.

Remedy: Effective remedy, including the review of his appeal before the Court of Appeals and compensation.

Previous follow-up information: A/65/40

Submission from: Author's counsel

Date of submission: 4 September 2013

The author's counsel informed the Committee of the conclusion of the author's recovery actions, and transmitted the judgment of the High Court of Borgarting dated 12 March 2013. On 19 October 2012, the author was awarded 100,000 Norwegian kroner (approximately 11,800 euros).[30] The author's counsel recalls that, on 2 December 2011, Mr. Aboushanif had been awarded another 100,000 kroner by the relevant public authority (Statens sivilrettsforvaltning). In total, the author therefore received 200,000 kroner as compensation.

The author's counsel notes that Mr. Aboushanif was not awarded costs related to proceedings before the Committee, given the applicable rules under the Norwegian Code of Civil Procedure (as the proceedings before the Committee are supranational). He highlights that such costs amounted to 14,355 kroner in 2009. He specifies that Mr Aboushanif was represented on a "no win-no fee" basis, so that he was not invoiced this amount. Since he was successful during the proceedings before the Committee, the author's counsel now seeks recovery of fees amounting to 14,943.75 kroner (approximately 1,700 euros).[31]

Date of transmittal to the State party: 10 October 2013

Committee's decision: Inform the author that costs were not part of the remedy sought by the Committee. Close the follow-up dialogue on the case, with a finding of satisfactory implementation of the Committee's recommendation.

State party	**Paraguay**
Case	***Asensi*, 1407/2005**
Views adopted on	27 March 2009
Violation	Articles 23 and 24, paragraph 1, of the Covenant with regard to the author and his daughters.

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[30] See background information in A/65/40. After the adoption of the Committee's Views, the author's case had been reopened, and a new indictment brought. His sentence was also reduced to a 90 days' suspended sentence.

[31] Corresponding to 14,355 kroner plus 25 per cent value added tax. This amount corresponds approximately to 1,800 euros.

Remedy: Effective remedy, including the facilitation of contact between the author and his daughters. The State party is also under an obligation to prevent similar violations in the future.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 1 April and 21 May 2013

The author informed the Committee that its Views had not been implemented by the State party. He claimed that his daughters were not allowed to leave the State party's territory as there was an order forbidding them from doing so.

Submission from: State party

Date of submission: 4 June 2013

The State party indicated that no judicial decision was currently in force prohibiting the author's daughters from leaving Paraguay to join the latter in Spain. The prohibition order was lifted by Judge No. 1 of J.A. Saldivar on 20 May 2008. Copies of relevant documentation are attached. If the children were not allowed to travel it was probably due to the fact that their mother did not submit to the police the documentation required for travelling.

Submission from: Author

Date of submission: 13 June 2013

The author refers to his previous correspondence, and challenges the State party's arguments. He reiterates that he and his daughters were the victims of false allegations.

Date of transmittal to State party: 18 October 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Paraguay**
Case	***Olmedo*, 1828/2008**
Views adopted on	22 March 2012
Violation	Article 6, paragraph 1; article 2, paragraph 3, read in conjunction with article 6, paragraph 1, of the Covenant with regard to the author (the victim's wife).

Remedy: Effective remedy, including by (a) conducting an effective and complete investigation of the facts; (b) carrying out the prosecution and punishment of those guilty; and (c) providing full reparation, including appropriate compensation for the author. The State party is also under an obligation to prevent similar violations in the future.

Previous follow-up information: A/68/40

Submission from: Author's counsel

Date of submission: 14 May 2013

The author's counsel informed the Committee that several meetings were held with the State party, in which an agreement was reached on different substantial matters. However, no final agreement had been signed at the moment of the submission. As regards the training programmes on human rights and humanitarian law for policemen undertaken by the Ministry of Internal Affairs, there was no information on whether this training was also delivered to the riot police. Likewise, there was no information on whether the training centre of the Prosecutor's Office delivered trainings on human rights, and in particular on investigation of extrajudicial executions. Although the State party uploaded the Committee's Views onto several official websites, more than half of the Paraguayan population does not have access to the Internet. Therefore, the State party should publish the Committee's Views in more accessible media sources. Finally, it was pointed out that Ms. Olmedo was not granted access to full health assistance, as promised by the State party.

Submission from: State party

Date of submission: 7 October 2013

The State party submits that an Education Programme on Human Rights is now part of police officers education, having reached 3 per cent of the staff in six months, and describes the educational modules on human rights offered by the training centre of the Prosecutor's Office. The State party adds that the Prosecutor's Office is currently elaborating a human rights manual, which will be distributed to all specialized units.

With regards to the author's health, the State party assures its willingness in providing her with proper medical assistance. It notes that, in October 2012 and March 2013, the Human Rights Unit of the Public Health and Welfare Ministry made a visit to the Healthcare Unit where the author received treatment, to ensure that the latter was receiving proper care. The State party further submits that the author has been receiving medical treatment on a regular (weekly) basis. The Human Rights Unit of the Public Health and Welfare Ministry has also been taking all necessary measures to buy the medicines requested by the author.

Date of transmittal to the author: 18 October 2013

Committee's provisional assessment:

- Remedy (a) conducting an effective and complete investigation of the facts; (b) carrying out the prosecution and punishment of those guilty; and (c) providing full reparation, including appropriate compensation for the author): C1;
- Publication of the Committee's Views: A;
- Measures adopted to guarantee non-repetition: B2.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Paraguay**
Case	***Benítez Gamarra*, 1829/2008**
Views adopted on	22 March 2012
Violation	Article 7 of the Covenant and article 2, paragraph 3, of the Covenant, read in conjunction with article 7.

Remedy: An effective remedy in the form, inter alia, of (a) an impartial, effective and thorough investigation of the facts; (b) the prosecution and punishment of those responsible; and (c) full reparation, including appropriate compensation for the author. The State party is also under an obligation to prevent similar violations in the future.

Previous follow-up information: A/68/40

Submission from: Author's counsel

Date of submission: 14 May 2013

The author's counsel informed the Committee that the State party had not responded to the author's comments on the agreement proposed by the State party. The strengthening of the Department of Internal Affairs and the Directorate of Police Justice is important, but insufficient to prevent similar violations in the future. The training programmes on human rights and humanitarian law for police officers, undertaken by the Ministry of Internal Affairs, is a positive measure. However, such training should include members of the police in charge of the protection of citizens. Although the State party uploaded the Committee's Views onto several official websites, more than half of the Paraguayan population does not have access to the Internet. Therefore, the State party should publish the Committee's Views in more accessible media.

Submission from: State party

Date of submission: 7 October 2013

The State party informs the Committee that the mechanisms to prevent human rights violations were improved by the strengthening of State institutions such as the Internal Subjects Department and the Police Directorate. An Education Programme on Human Rights is now part of police officers' education, having reached 3 per cent of the staff in six months.

The State further informs the Committee that the Committee's Views were published in the Official Gazette, and uploaded onto the electronic portals of various institutions relevant to the case.

Date of transmittal to the author: 18 October 2013

Committee's provisional assessment:

- Remedy (a) conducting an impartial, effective and thorough investigation of the facts; (b) carrying out the prosecution and punishment of those guilty; and (c) providing full reparation, including appropriate compensation for the author): C1;
- Publication of the Committee's Views: A;
- Measures adopted to guarantee non-repetition: B2.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Peru**
Case	***Muñoz*, 203/1986**
Views adopted on	4 November 1988
Violation	Article 14, paragraph 1, of the Covenant.

Remedy: Effective remedy, including compensation.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 27 March 2013

The author reiterated that despite his efforts, the State party had failed to implement the Committee's Views and, therefore, he did not have access to an effective remedy.

Committee's decision: At its 108th session, the Committee decided to suspend the follow-up dialogue, with a finding of unsatisfactory implementation of the Committee's recommendation.

State party	**Peru**
Case	***Arredondo*, 688/1996**
Views adopted on	27 July 2000
Violation	Article 10, paragraph 1, of the Covenant as regards Ms. Arredondo's conditions of detention; of article 9 as regards the manner of her arrest; of article 14, paragraph 1, as regards her trial by a court made up of "faceless judges"; of article 14, paragraph 3 (c), with respect to the delay in the completion of the proceedings initiated in 1985.

Remedy: Effective remedy. Ms. Arredondo should be released and adequately compensated.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 9 March 2013

The author stated that the information transmitted by the State party as to the crimes she was accused of and her imprisonment were not accurate. She was only released after serving her sentence, having been imprisoned for 14 years and 5 months. Thus, her release cannot be qualified as constituting compliance with the Committee's recommendation by the State party. Also, on 19 September 2011, the National Criminal Chamber insisted that the author should pay 10,000.00 nuevos soles as civil damages, established by the judgment of 21 July 1997 in which she was found guilty of the crime of terrorism.

Date of transmittal to the State party: 8 April 2013

Further action on the case: On 14 May 2013, the State party requested an extension of the deadline in order to submit its observations. On 28 May 2013, the requested extension was granted, and the State party was invited to submit its response before 29 July 2013.

Committee's decision: Follow-up dialogue ongoing.

State party	**Philippines**
Case	***Rouse*, 1089/2002**
Views adopted on	25 July 2005
Violation	Articles 14, paragraphs 1 and 3 (c) and (e); 7; and 9, paragraph 1, of the Covenant.

Remedy: Effective remedy, including adequate compensation, inter alia, for the time of the author's detention and imprisonment.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 31 July 2013

The author explained that he approached the Philippines Board of Pardons and Parole, to be granted an unconditional pardon, referring to the Committee's Views. This request was denied for "lack of merit". The author stresses that this decision was adopted by the previous Philippine administration. He later approached an Attorney of the Commission on Human Rights of the Philippines, and the Philippines Consul General in the Philippine Consulate in Hawaii. In a 2012 letter addressed to the Hawaii State representative, then Chair of the House Committee on International Affairs, the Philippines Consul submitted that he concurred with the Committee's Views, and was of the opinion that the State party was under an obligation to provide the author with an effective remedy.

The author adds that with the assistance of the Consul, he has sought to obtain an unconditional pardon and have his name cleared, and that he is ready, to that end, to waive his right to any financial compensation.

The author submits that the State party's decision, which found his claim devoid of merit should be set aside. He expresses the opinion that the matter should be brought to the attention of the Secretary of the Philippines Department of Justice for appropriate action.

Date of transmittal to the State party: 7 August 2013

Committee's decision: At its 109th session, the Committee decided to send a reminder to the State party for its observations. Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Republic of Korea**
Case	***Kim et al.*, 1786/2008**
Views adopted on	25 October 2012
Violations	Article 18, paragraph 1, of the Covenant

Remedy: Effective remedy, including expunging the authors' criminal records and providing adequate compensation.

No previous follow-up information

Submission from: State party

Date of submission: 20 August 2013

The State party first submits that it published the Committee's Views, along with its Korean translation in the Government's Official Gazette on 24 July 2013.

With respect to the remedy requested by the Committee, the State party notes that expunging the authors' criminal records is unrealistic, as there is no legal basis to do so under Korean law. In the case that there is no statutory provision for an administrative act, the Government is not allowed to expunge criminal records at its own initiative. However, pursuant to article 7, paragraph 1, of the Act on the lapse of criminal sentences, in cases where the execution of imprisonment or where imprisonment without prison labour of not more than three years is completed or exempted, the punishment is invalidated after five years. Also, immediate removal from the convicted list and deletion of the investigation records ensues. However, the criminal record material is retained and placed under strict maintenance, along with convicted lists and plates.

As for compensation, the State party recalls that the authors were convicted of a breach of the Military Service Act. During interrogation and court proceedings, no loss caused was incurred wilfully or negligently as a result of agents of the State, which is a prerequisite for compensation. There is no legal ground, therefore, to provide compensation or any other form of reparation to the authors.

The State party adds that the authors filed a constitutional complaint in June 2013, on the ground that the National Assembly had violated their rights by failing to introduce, by legislation, an alternative service for conscientious objectors, so as to give effect to the Committee's Views. As of August 2013, the Constitutional Court had yet to decide on the complaint filed by Min-kyu Jeong et al.[32]

The State party submits that it approaches carefully the possible introduction of alternative services for conscientious objectors, in the light of its impact on the total military manpower resources, as well as the security situation of the Republic of Korea. However, given the repeated recommendations of the Committee, the Second National Action Plan for the Promotion and Protection of Human Rights, established in March 2012, designated the incorporation of the alternative services system for conscientious objectors as the human rights policy project which will be pursued by the Government between 2012 and 2016. Accordingly, a plan will be set up for the review of alternative services, premised on the security situation and building of consensus on the issue. In this regard, the Ministry of Defence is planning to conduct public opinion polls on the introduction of alternative services in 2014.

The State party further adds that, on 19 July 2013, a legislative bill for a partial amendment of the Military Service Act was submitted to the National Assembly, introducing alternative services for conscientious objectors, which would last three years, and stipulating that such alternative services shall be determined by an Alternative Services Committee, consisting of qualified members. The State party also referred to a report published by the National Assembly Research Service in July 2013, which concluded that, in the light of all circumstances, a discussion on alternative services is inevitable, and invited discussions and consensus on more specific criteria, such as form, term, and scope. The State party submits, in conclusion, that there will be active discussions on the issue in the near future, with the National Assembly as a key actor.

Committee's provisional assessment:

- Remedy (Effective remedy, including expunging the authors' criminal records and adequate compensation): C1
- Publication of the Committee's Views: A
- Measures adopted to guarantee non-repetition: B2

Submission from: Authors' counsel

Date of submission: 11 November 2013

The authors' counsel rejects the State party's argument that it lacks the legal basis to expunge the authors' records, and stresses the State party's breach of article 2, paragraph 3, of the Covenant. According to the authors' counsel, the Amnesty Act allows the President to grant special pardon to invalidate the effect of a criminal sentence. In this connection, on 26 August 2013, the authors submitted a petition to the President, asking to be granted special pardon under these circumstances. This request was not answered, but similar requests have been rejected in the past.

The authors' counsel also rejects the State party's argument when it comes to compensation. The State party has claimed that compensation could only be provided in the case that the damage is incurred "wilfully or negligently", as set forth in article 2 (1) of the State Compensation Act. However, "violation of the provisions of the law" is also a prerequisite under the Covenant. Since the Covenant holds the

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[32] Human Rights Committee, communications Nos. 1642-1741/2007, *Jeong et al. v. the Republic of Korea*, Views adopted on 24 March 2011; also considered under the Committee's follow-up procedure.

"same effect as domestic laws", by virtue of article 6 (1) of the Korean Constitution, it is also covered in the "laws" envisaged under article 2 (1) of the State Compensation Act. Accordingly, based on the operation of this provision, and article 2, paragraph 3, of the Covenant, the State party is under an obligation to provide an effective remedy to the authors.

In addition, article 56 of the State Public Official Act provides that "every public official shall observe laws and subordinate statutes, and faithfully perform his/her duties". Therefore, if such public official violated laws, his or her "intention or negligence" is deemed as established, which is appropriate to protect the rights and interests of nationals. Accordingly, by breaching the Covenant, State officials have violated "laws and subordinate statutes".

The authors' counsel further submits that the State party has wilfully inflicted damage on the authors, both moral and pecuniary, when it continued to imprison them after the Committee found a violation of article 18 of the Covenant in their regard.

Accordingly, the authors' counsel submits that the authors have a legal ground to demand compensation, based upon the Constitution, the State Compensation Act and the Covenant.

Regarding the obligation to avoid similar violations, the authors' counsel submits that the easiest way to do so is to stop prosecuting and convicting conscientious objectors, pending a legislative solution. He recalls that the Committee has ruled against the Republic of Korea in four cases involving 501 victims, and each time found a violation of article 18, paragraph 1, of the Covenant. The State party has, however, refused to implement the Views, and has, since 2006, continued to imprison thousands of conscientious objectors.

With respect to the obligation to adopt legislative measures guaranteeing the right to conscientious objection, the State party has failed to adopt any. Regarding alternative civilian service, the State party is premising the adoption of such a law on the security situation and on building national consensus in this respect. However, article 4 of the Covenant does not allow derogation of article 18, even in times of public emergency, and there are therefore no circumstances which would justify setting aside this right.

The authors' counsel also notes that it is not reasonable to submit a fundamental right such as that protected by article 18 to public polls. In conclusion, the authors' counsel considers that the State party does not wish to comply with the Committee's Views, and calls upon the Committee to put all necessary pressure on it to provide the authors with an effective remedy.

Date of transmittal to the State party: 13 November 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Russian Federation**
Case	***Khoroshenko*, 1304/2004**
Views adopted on	29 March 2011
Violation	Article 6, read together with article 14; 7; 9, paragraphs 1–4; 14, paragraphs 1 and 3 (a), (b), (d) and (g), of the Covenant.

Remedy: Effective remedy including: conducting a full and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible for the treatment to which the author was subjected; conducting a retrial in compliance with all guarantees under the Covenant; and providing the author with adequate reparation, including compensation.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 21 April 2013

The author notes that he has addressed several requests to the State party on the measures taken to give effect to the Committee's recommendation, but all remained unanswered. The fact that he has been awaiting the State party's reply for two years now makes him suffer. Therefore, the author asks the Committee not to rely on State party's submissions, as it ignores the Committee's views and his requests, but to reply to his queries directly.

Date of transmittal to the State party: 23 July 2013

Submission from: Author

Date of submission: 16 July 2013

The author requests the Committee to review his complaints under articles 15 and 26 of the Covenant, which were declared inadmissible, referring to the Committee's rules of procedure (currently rule 98, paragraph 2). He submits a new application and supporting documents.

He further draws the Committee's attention to the fact that he has not been informed whether the State party took any measure to give effect to the Committee's Views. The author therefore requests the Committee to register his new application, and to inform him of the measures taken by the State party to implement the Views.

Date of transmittal to the State party: 23 July 2013

Committee's decision: (a) Inform the author once again that the final decision adopted in his case is not subject to review by the Committee; (b) send a reminder to the State party for its observations.

Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Russian Federation**
Case	***Pavlyuchenkov*, 1628/2007**
Views adopted on	20 July 2012
Violation	Article 10 paragraph 1, of the Covenant.

Remedy: An effective remedy, including appropriate compensation to the author for the violations suffered. The State party is also under an obligation to take appropriate and sufficient measures to prevent similar violations in the future by bringing its prison conditions into compliance with its obligations under the Covenant, taking account of the United Nations Standard Minimum Rules for the Treatment of Prisoners and other relevant international norms.

No previous follow-up information

Submission from: Author

Date of submission: 3 May and 25 July 2013

The author informed the Committee that he had not received any compensation for the violations found by the Committee, nor any form of alternative effective remedy.

Date of transmittal to the State party: 23 July and 8 October 2013 respectively

Committee's decision: At its 109th session, the Committee decided to send a reminder to the State party for its observations.

Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Serbia**
Case	***Novaković*, 1556/2007**
Views adopted on	21 October 2010
Violation	Article 2 paragraph 3, in conjunction with article 6 of the Covenant.

Remedy: Effective remedy. The State party is under an obligation to take appropriate steps to (a) ensure that the criminal proceedings against the persons responsible for the death of the victim are speedily concluded and that, if convicted, they are punished, and (b) provide the authors with appropriate compensation.

Previous follow-up information: A/68/40

Submission from: Authors

Date of submission: 28 March 2013

The authors submit that the reference, by the State party, to civil litigation (case P. No. 7354/11 against Belgrade Maxillofacial Hospital) is irrelevant, as it is not the subject of the issues brought before the Committee. With respect to the appointments of the authors with the Ministry of Justice, the latter state that these are also irrelevant to the implementation of the Committee's Views, as they took place at the authors' request, and in connection with complaints filed by them. The authors reiterate that the State party has failed to implement the Committee's recommendation.

Date of transmittal to State party: 17 May 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Spain**
Case	***Martínez Fernández*, 1104/2002**
Views adopted on	29 March 2005
Violation	Article 14, paragraph 5, of the Covenant with respect to the author.

Remedy: Effective remedy by, inter alia reviewing the author's conviction in accordance with article 14, paragraph 5, of the Covenant. Furthermore, the State party should take the necessary measures to ensure that similar violations do not occur in future.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 28 August 2013

The State party reports that, despite the fact that the right to an appeal is not enshrined in the Spanish Constitution, the Constitutional Court has recognized such a right and has been applying it in Criminal law suits, pursuant to article 14, paragraph 2, of the Covenant. The Court's jurisprudence has enlarged the scope of the State's *recurso de casación* to comply with the provisions of the Covenant. At the same time, the State party further argues that the right to an appeal may also be interpreted as the right to a review of the lawfulness of a lower court's ruling, but not necessarily a review of the whole trial, in accordance with the Covenant and the jurisprudence of the European Court of Human Rights.

The State party points to its efforts to ensure the compliance of its domestic laws with the Covenant, as the enactment of the Organic Act 19/2003 indicates. It also adds that, in 2008, the Government approved a human rights project, which deals with, inter alia, the right to an effective judicial protection and the right to an appeal. As a result, a law concerning fundamental rights in the criminal procedure and the Criminal Procedure Act itself are under revision in the State party's legislative branch. Finally, the State party recalls that an international provision must be translated into domestic law in order to enter into force within the State party's legal system. Therefore, the Committee's decisions do not have direct effect in the State party's domestic jurisdiction.

Committee's provisional assessment:

- Remedy (reviewing the author's conviction in accordance with article 14, paragraph 5, of the Covenant): C1;
- Publication of the Committee's Views: no information;
- Measures adopted to guarantee non-repetition: B2.

Submission from: Author

Date of submission: 29 October 2013

The author's counsel reported that it has been almost 14 years since the issue was submitted to the Committee and, until now, no measures had been undertaken by the State party to implement the Views adopted in this case. The author's counsel further informed the Committee that all domestic remedies, judicial and administrative, have been exhausted to suppress the author's conviction or, alternatively, to grant him a financial compensation for the violation of his rights, pursuant to the Spanish laws on the matter. The author's counsel points out that the State has not addressed the issue of compensation and that its allegations merely refer to the author's right to an appeal but are silent with regard to an effective remedy, the right that has actually been declared violated. Finally, the author's counsel requests the Committee to condemn the State party and fix compensation of 140,970 euros to be paid the author.

Date of transmittal to State party: 1 November 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Spain**
Case	***Morales Tornel*, 1473/2006**
Views adopted on	20 March 2009
Violation	Article 17, paragraph 1

Remedy: Effective remedy, including appropriate compensation

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 25 March 2013

The State party informed the Committee that the authors' application for pecuniary responsibility of the State was dismissed by the National High Court on 23 January 2013 and that this judgment could not be appealed. The decision of the National High Court provides that the Committee's Views are not binding, nor do they constitute grounds for claiming pecuniary compensation against the State. Furthermore, the issues raised by the authors were already decided by the National High Court and the Constitutional Tribunal, which found that there was no arbitrary interference with their right to family life, and no corollary responsibility of the administration.

Submission from: Authors

Date of submission: 7 May 2013

The authors expressed their disagreement with the State party's position, stating that it showed the lack of willingness of the State party to comply with the Committee's Views, pursuant to the principle of good faith cooperation enshrined in the 1969 Vienna Convention on the Law of Treaties.

Date of transmittal to the State party: 24 May 2013

Committee's decision: At its 108th session, the Committee decided to suspend the follow-up dialogue, with a finding of unsatisfactory implementation of the Committee's recommendation.

State party	**Sri Lanka**[33]
Case	***Weerawanza*, 1406/2005**
Views adopted on	17 March 2009
Violation	Article 6, paragraph 1, and article 10, paragraph 1, of the Covenant.

Remedy: Effective and appropriate remedy, including commutation of the author's death sentence and compensation. As long as the author is in prison, he should be treated with humanity and with respect for the inherent dignity of the human person. The State party is under an obligation to take measures to prevent similar violations in the future.

Previous follow-up information: A/68/40

Submission from: Author's counsel

Date of submission: 10 May 2013

The author's counsel indicates that he has submitted a request for the author's release to the President of Sri Lanka. He urges the Committee to provide the assistance necessary to obtain the lifting of the death sentence imposed on Mr Weerawansa, and his release from the inhumane conditions of detention he is facing in the Welikada Prison.

Date of transmittal to State party: 30 May 2013 (with a reminder requesting the State party to provide information about the measures taken to give effect to its Views)

Submission from: Author's counsel

Date of submission: 20 June and 1 August 2013

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[33] A meeting took place with representatives of Sri Lanka during the 107th session.

The author's counsel indicated that he had addressed further correspondence on 29 June 2013 to the State party's President, in which he sought the release of Mr. Anura Weerawansa by commuting his sentence to the period of 10 years' imprisonment, which he has already served. In the same letter, the author highlights the particularly deplorable conditions of detention of Mr. Weerawansa in the Welikada Prison were highlighted, including the fact that he has been kept in confinement 23 and a half hours a day, with inmates suffering from mental disorders, contagious diseases, with whom he is compelled to share a seven-by-nine-foot cell, without access to tap water and proper sanitary facilities. Mr. Weerawansa has been detained in the Welikada Prison since 1 October 2002.

Date of transmittal to State party: 15 July and 7 August 2013, respectively

Submission from: Author's counsel

Date of submission: 7 November 2013

Referring to the various communications sent to the Government to seek the release of the author, the latter's representative submits that only one response was received from the Ministry of Justice, consisting of a transmittal of the author's petition to the Attorney General's Office. The author's counsel claims that his requests are ignored by all branches of the Government.

The author's counsel recalls that, during the legal proceedings, both the High Court and the Supreme Court focused on evidence of the Crown witness; he also submits that granting an official pardon to this person, accepting fictitious documents as confession, and accepting such fraudulent documents prepared by the police as part of the agreement on conditional pardon constituted egregious law violations. The author's counsel also refers to the fact that charges were drafted against the author even before the commencement of the recording of his statement. He reiterates that the whole judicial procedure was flawed, biased and unconstitutional.

Recalling that five years elapsed since the adoption of the Committee's Views, the author's counsel observes that there has been no initiative from the State party to implement this decision. Apart from the author, there are at the moment approximately 375 condemned prisoners on death row, and twice as many condemned prisoners languishing in prison pending consideration of their appeal. Most of these prisoners are held in Welikada and Bogambara prisons under extremely harsh and degrading conditions for protracted periods.

The author's counsel stresses that such conditions deserve an urgent intervention and effective engagement with the authorities by various international agencies.

The author's counsel invites the Committee, in particular, to expose the unconstitutional nature of the judicial process concerning the author, and to assist him in finding appropriate legal assistance to make progress in the author's case.

Date of transmittal to the State party: 29 November 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's decision has not been implemented. A reminder was sent on 7 March 2014 to the State party for its observations.

State party	**Sweden**
Case	***X.*, 1833/2008**
Views adopted on	1 November 2011
Violation	Articles 6 and 7 of the Covenant.

Remedy: Effective remedy, including taking all appropriate measures to facilitate the author's return to Sweden, if he so wishes. The State party is also under an obligation to take steps to prevent similar violations.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 13 March 2013

The State party reiterated its previous observations (A/68/40), according to which the Migration Board is in contact with the author's counsels regarding his transfer to Sweden. In February 2013, the Swedish Embassies in Teheran and Kabul informed the State party authorities that the author's counsels had contacted them regarding the author. The embassies referred the author's counsels to the Migration Board. The Swedish Embassy in Kabul also contacted the author by telephone on 6 February 2013, at the request of his counsel. The author explained that he lives in Mazar e Sharif, 500 kilometres north of Kabul, and has difficulty reaching Kabul by land during the winter.

The State party reiterates that a decision was taken to transfer the author to Sweden on the refugee quota. The author will receive travel documents, and a residence permit. He will be transferred to Sweden with the assistance of the International Organization for Migration, and will be assigned to a municipality there. However, the author needs to contact the Swedish Embassy in Kabul or Islamabad in person. In view of the preceding observations, the State party submits that appropriate measures were taken to implement the Committee's Views.

Submission from: Author's counsel

Date of submission: 28 June 2013

The author's counsel requests an extension until 1 August 2013 to comment on the latest State party submission.

Submission from: Author

Date of submission: 5 September 2013

The author's counsel stressed that a number of elements in the State party's submission of 13 March 2013 do not properly reflect the situation and need clarification. The author's counsel confirms that the author applied for a residence permit before the Swedish Embassy in Kabul in June 2012, and that his application was forwarded to the Embassy in Islamabad. He obtained an appointment for an interview with the Swedish Embassy in Islamabad n June 2012, and that his application was forwarded to the Embassy in Islamabad. on 27 July 2012. A few days before the planned date, he contacted the Embassy, expressing the wish to go to the Swedish Embassy in Tashkent instead of Islamabad, which contradicts the State party's assertion that the author "did not find it necessary to attend the interview". His request was reiterated on 24 July 2012. The author's counsel also stressed that there were new important elements regarding his application, and requested that an appointment date be set.

As the author was not contacted by the Embassy in Kabul or Islamabad, his counsel addressed a further e-mail to the Swedish representative in Kabul on 28 October 2012, stressing that the situation needed a fast solution, and also informing the Embassy of the existence of the two children under the author's legal custody. The author's counsel also stresses that the author has a national passport, in which the two children are included. This passport was presented to the Embassy in Kabul when he lodged his application for a residence permit in June 2012. On 29 October 2012, the author was referred to the diplomatic representative in Islamabad. On the same day, his counsel addressed correspondence to both representations of Kabul and Islamabad, stressing the importance of the facilitation, for the author and the children of his deceased sister, to obtain an appointment before the Embassy of Tashkent as soon as possible, with a view to ensuring their speedy transfer to Sweden. On 30 October 2012, the exchange continued with the Embassy in Islamabad. The author's counsel was informed that the Embassies in Teheran or Ankara were the only possible alternatives, as Sweden does not have representation in Tashkent.

The author's counsel stresses that it is apparent that because of miscommunication between the Migration Board and the relevant Embassies, the Migration Board's decision to transfer the author to Sweden on the refugee quota, and to provide him with travel documents and a residence permit as soon as contact would be re-established, was not properly transmitted to the various relevant Embassies.

On 31 October 2012, an Embassy representative in Islamabad wrote to the Embassy in Teheran, informing them of the fact that the author was the legal guardian of two children. The author's counsel was copied on the correspondence, and she inquired on 13 December 2012 on the follow-up to the proceedings. On 19 December 2012, a representative of the Embassy in Teheran informed the author's counsel that the file had been transferred from the Islamabad Embassy to the Embassy in Teheran. The representative was unaware of the Committee's decision adopted in the author's case, which was not included as part of the author's electronic file of the Migration Board.

On 23 December 2012, further to receipt, via the Committee, of the State party's submission of October 2012 (informing the author of the Migration Board's decision to grant the author a residence permit), the author's counsel informed the Embassy representative in Teheran of the Migration Board's decision, also referring to the State party's contention, in its observations to the Committee, that the author would need to travel to Kabul to make the necessary arrangements for his travel to Sweden. The author's counsel reiterated the need to immediately include the children in the application, and invited the Embassy to contact the author to accelerate the process. On 10 January 2013, the author's counsel was informed that the author needed not travel to Teheran, but had to contact the Embassy in Kabul or Islamabad. The representative of the Embassy in Kabul thereafter contacted the author by telephone on 6 February 2013, and asked him to contact the Migration Board, which the author's counsel did on the same day. Because she did not receive an answer on the treatment of the case, the author's counsel had to engage in several follow-up inquiries in March 2013, until she was informed that a decision on the author's case was adopted by the Migration Board on 14 March 2013. The author had to travel to Teheran to apply for residence permits for the two children. Since then, the representative of the Embassy in Teheran is in direct contact with the author, and proceedings are ongoing.

The author's counsel highlights again the miscommunication between the various diplomatic representations of the State party and the Migration Board. She also notes the absence of reaction of the Foreign Ministry in Stockholm, even though it was copied on all exchanges of correspondence. She stresses the fact that it is the State party's responsibility to provide the author with an effective remedy, and that it took nine months for the Swedish Migration Board to issue a decision in the author's case. Finally, the author's counsel stresses the lack of legislative measure to prevent similar violations in the future.

Submission from: State party

Date of submission: 29 October 2013

The State party recalls that decisions concerning residence permits are adopted by the Migration Board, and are not part of the Government's prerogatives. The State party again gave its account of the series of measures adopted by its diplomatic representations in Kabul and Islamabad, with a view to giving effect to the Migration Board's decision to grant the author a residence permit as soon as contact would be re-established with him, and to ensure his transfer to Sweden on the refugee quota.

The State party further refers to, and transmits the Migration Board's official note of 14 March 2013, stating that the author was granted a residence permit under the Swedish Aliens Act, and that to facilitate his return to Sweden, he should contact the Embassy in Kabul. The author expressed a preference to travel to Teheran instead of Kabul, which was agreed. In July 2013, he visited the embassy in Teheran, and the necessary travel documents were issued for him. At this point, the author sought to apply for residence permits for two children, of whom he claimed guardianship. The State party stresses that the present communication and the Committee's remedy only concern the author himself. The fact that the latter has also requested to bring two children to Sweden, and that this request has resulted in delays, is not something the State party's Government should be held responsible for.

The State party concludes by reiterating that soon after contact was re-established with the author, and it could be ascertained that he wanted to return to Sweden, a decision was taken that he would be transferred, and the related arrangements to facilitate his return were made. Shortly after he visited a Swedish Embassy, the necessary travel documents were issued. The choice of whether and when to return to Sweden has accordingly lied in the author's hands for more than a year.

Accordingly, the State party reiterates that appropriate measures were adopted to implement the Committee's recommendation, and it invites the Committee to close the procedure on the case, with a note of satisfactory implementation.

Date of transmittal to the author: 1 November 2013

Committee's provisional assessment:

- Remedy (effective remedy, including taking all appropriate measures to facilitate the author's return to Sweden, if he so wishes.): A;
- Publication of the Committee's Views: A;[34]
- Measures adopted to guarantee non-repetition: A;[35]

Committee's decision: Close the follow-up dialogue on the case, with a finding of satisfactory implementation of the Committee's recommendation.

State party	**Turkey**
Case	***Atasoy and Sarkut*, 1853-1854/2008**
Views adopted on	29 March 2012
Violation	Article 18, paragraph 1, of the Covenant

Remedy: An effective remedy, including expunging their criminal records and providing the authors with adequate compensation. The State party is under an obligation to take measures to prevent similar violations in the future.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 25 July 2013

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[34] A/68/40: According to the State party, on 2 January 2012, the Migration Board published the Committee's Views on an Internet site that is easily accessible to civil servants, lawyers and the public. The views are accompanied by a summary and comments in Swedish. In this way, the Views have been widely disseminated. (The author did not contest this information in his subsequent submissions.)

[35] A/68/40: According to the State party, the Director for Legal Affairs at the Migration Board issued two legal standpoints (RCI 04/2009 and RCI/03/2012), publicly available on the Migration Board's website, on how to address applications and assess the risk when asylum seekers invoke their sexual orientation as a ground for asylum. The two documents highlight the importance of examining an asylum seeker's sexual orientation claim in the light of the country of origin and the risk there, even if the claim was not invoked at the early stages of the proceedings.

The State party provided information that it had no further view, other than its observations communicated on 5 February 2013 (see A/68/40).[36] A reminder was sent to the State party on 17 July 2013, further to the transmittal of the authors' submission of 6 March 2013.

Date of transmittal to the author: 30 July 2013

Committee's provisional assessment: B2

Committee's decision: Follow-up dialogue ongoing.

State party	**Ukraine**[37]
Case	***Aliev*, 781/1997; *Butovenko*, 1412/2005; *Shchetka*, 1535/2006**
Views adopted on	***Aliev***: 7 August 2003; ***Butovenko***: 19 July 2011; ***Shchetka***: 19 July 2011
Violation	***Aliev***: article 14, paragraphs 1 and 3 (d), of the Covenant; ***Butovenko***: article 7; article 7, read in conjunction with article 2, paragraph 3; article 9, paragraph 1; article 10, paragraph 1; and article 14, paragraphs 1, 3 (b), (d), (e) and (g), of the Covenant; ***Shchetka***: article 7 and 14, paragraph 3 (g); article 14, paragraphs 1 and 3 (e).

Remedy:

***Aliev*, 781/1997:** Effective remedy. Since the author was not duly represented by a lawyer during the first months of his arrest and during part of his trial, even though he risked being sentenced to death, consideration should be given to his early release;

***Butovenko*, 1412/2005:** Effective remedy, which should include a review of the author's conviction that would comply with fair trial guarantees of article 14 of the Covenant, impartial, effective and thorough investigation of the author's claims under article 7, prosecution of those responsible and full reparation, including appropriate compensation;

***Shchetka*, 1535/2006:** Effective remedy, including: carrying out an impartial, effective and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible; considering his retrial in conformity with all guarantees enshrined in the Covenant or his release; and providing the victim with full reparation, including appropriate compensation.

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[36] By note verbale of 6 December 2012, the State party had informed the Committee that it maintained its position that article 18 of the Covenant is not applicable to the case; that consultations on the Committee's Views were ongoing; that the Committee's Views had been disseminated and translated; that with respect to Mr. Atasoy, the Istanbul 8th Criminal Court of Peace re-examined the judgments of the Beyoglu 1st Criminal Court of Peace rendered on 2 April 2009, and decided to annul previous judgements along with all of their consequences, and to sentence Mr. Atasoy to an administrative fine of 250 Turkish liras in each of the three cases. Regarding Mr. Sarkut, the State party noted that the Istanbul 9th Criminal Court of Peace decided not to sentence him to an administrative fine, considering that he had not performed his military services due to his religious beliefs, and that he did not have a criminal intent as per the judgments of the European Court of Human Rights, and the Committee's Views. The State party also underlined that there were no pending investigations with respect of the authors concerning their refusal to perform the military service.

[37] A meeting on follow-up to Views took place on 9 July 2013 with the Head of the State party's delegation, present for the consideration of the seventh periodic report of Ukraine by the Committee. The Committee was represented by its Special Rapporteur on new communications and interim measures.

Previous follow-up information: A/65/40 (*Aliev*); A/68/40 (*Butovenko*); A/67/40 (*Shchetka*)

Submission from: State party

Date of submission: 25 April 2013

The State party indicates that the Specialized Supreme Court of Ukraine refused to transfer the cases of Butovenko and Shchetka to the Supreme Court for a re-examination, as it concluded that the views of the Human Rights Committee are not equivalent to a decision of an international judicial instance. The State party stresses that, on 12 December 2011, the Kyiv Prosecutor's Office found that there were no grounds to review the case of Shchetka. A Deputy President of the Specialized Supreme Court of Ukraine pointed out that only by introducing amendments to laws would it be possible to overcome existing obstacles.

The State party further reiterates the grounds for compensation of damage incurred through unlawful actions of law enforcement and prosecutors' offices under domestic law. In conclusion, the State party explains that the Ministry of Justice has been considering how to give effect to the Committee's Views.

As a matter of general measures, the State party explains that, in September 2011, a commission for the prevention of torture was established and its members were elected. Pursuant to the Law on the Human Rights Ombudsman, as amended on 2 October 2012, the Commission was assigned the functions of a national preventive mechanism. On 13 April 2012, the Parliament of Ukraine adopted a new Code of Criminal Procedure, which entered into force on 20 November 2012. In 2011, the Law on pro bono legal aid, which entitles economically vulnerable persons, inter alia, to free-of-charge legal representation, was adopted and will be fully implemented by 2017. A number of other legal acts were adopted to facilitate the implementation of this law. The Ministry of Justice was entrusted with the overall coordination of legal aid. Furthermore, the creation of a legal aid centre and the adoption of a State programme on the establishment of the pro bono legal aid system are foreseen by 2018.

The State party notes that, under article 107 of the new Code of Criminal Procedure, technical devices must be used to keep a record of procedural activities at the request of the parties to the proceedings. Under article 224 of the Code, questioning cannot exceed eight hours a day for adults and two hours a day for minors.

The State party also refers to the adoption on 5 July 2012 of the Law on legal counsels and legal counselling, which foresees the setting up of a national association of legal counsels. The State party also refers to an order of the Ministry of the Interior of 13 August 2010, pursuant to which every arrested or detained person is provided with a booklet explaining his/her rights and how to act in the event of a breach thereof. The State party highlights that additional funds were allocated to refurbish and set up temporary detention facilities. As of 1 January 2012, personal space per prisoner was increased from 3 square metres to 4 square metres. Temporary detention facilities were created on the premises of prisons and specialized tuberculosis treatment hospitals. In 2011, a detention facility for women was opened.

The State party submits that prosecutors' offices are requested to inspect detention facilities to make sure that the rights of detainees are respected and that conditions of detention are adequate. Several temporary detention facilities were temporarily closed after such inspections.

The State party also emphasizes that the General Prosecutor's Office and the National Prosecutors' Academy have issued information materials for prosecutors, such as recommendations on examining and investigating allegations of ill-treatment during arrest and transport to police stations or on handling individual complaints related to pretrial proceedings.

Date of transmittal to authors: 17 June 2013

Submission from: Author in *Shchetka*, 1535/2006

Date of submission: 3 June 2013

The author notes that the State party did not publish the Views adopted in his case, nor does it recognize, generally, the authority of the Committee, and refuses to review his conviction even though it is bound by the Covenant and its Optional Protocol under existing domestic legislation. The author reiterates that he has been detained in extremely severe conditions for 13 years, for a crime he did not commit, and informs the Committee that he intends to seize the Constitutional Court of Ukraine.

Submission from: State party (on case *Shchetka*, 1535/2006)

Date of submission: 23 August 2013

The State party first observes that implementation of the decisions on individual cases by the Committee lies outside the scope of the relevant treaty, and it is therefore undertaken while taking into account the legal order of each State party. The State party envisages its cooperation with the Committee against this background.

Under article 147 of the Constitution, the Constitutional Court decides the questions of conformity of laws and legal acts with the Constitution and provides official interpretation of the Constitution and laws of Ukraine. Under article 13 of the Law on the Constitutional Court, the Constitutional Court of Ukraine shall adopt decisions and provide opinions in cases concerning: (a) constitutionality of laws and other legal acts …, (b) conformity of international treaties of Ukraine that are in force …; (c) … (d) official interpretation of the Constitution and laws of Ukraine.

There are two forms of submissions to the Constitutional Court – constitutional petition and constitutional appeal. The constitutional petition shall be a written application to the Constitutional Court of Ukraine on recognition of a legal act as unconstitutional, on determination of the constitutionality of an international treaty or on the necessity of the official interpretation of the Constitution of Ukraine and laws of Ukraine. The constitutional appeal is a written application to the Constitutional Court of Ukraine on the necessity of official interpretation of the Constitution of Ukraine. Under article 43 of the Law on the Constitutional Court, Ukrainian citizens can submit directly a constitutional appeal seeking an opinion to the Constitution Court. In accordance with article 94 of the same law, the grounds for such constitutional appeal relate to the correct interpretation of the Constitution or laws by courts or other relevant State bodies, where the complainant alleges that his/her constitutional rights and freedoms were violated as a result.

Committee's provisional assessment on the State party's reply/action in the case of *Shchetka*, 1535/2006:

- Remedy (effective remedy, including carrying out an impartial, effective and thorough investigation; considering the author's retrial or release; and providing the victim with full reparation, including appropriate compensation): C2;
- Publication of the Committee's Views: C2;
- Measures adopted to guarantee non-repetition: C2.

Submission from: Author

Date of submission: 20 October 2013

The author reiterated that the Committee's views in his case were not implemented or even published in Ukraine and that the only measure taken by the State party was to submit follow-up observations to the Committee.

The author claims that the Constitutional Court can act as a mechanism to implement the Committee's views. According to the Law on the Constitutional Court, "a decision by an international jurisdiction recognized by the State party is a ground for reviewing decisions of domestic courts". Therefore, it is necessary to have the Constitutional Court's opinion as to whether the Committee qualifies as an international jurisdiction recognized by Ukraine. Under article 70 of the Law on the Constitutional Court, domestic legislation is reviewed in line with the decisions of the Constitutional Court. The author emphasizes that there is consensus among lawyers that the Constitutional Court's decision on this issue will be positive. Furthermore, the author submits that the Criminal Procedure Code should contain provisions regarding the implementation of the Committee's decisions on criminal matters.

The author submits that he has no standing under domestic law to petition the Constitutional Court directly. Therefore, he requested the State party's authorities to bring the issue before it. The Ombudsman replied on two occasions that she has no right of initiative before the Parliament; the author's third request remained without reply. Neither the President nor the Minister of Justice responded to his request.

In conclusion, the author submits that the Constitutional Court can act as a mechanism to implement the Committee's Views; that the domestic authorities refuse to implement Committee's decisions and to establish an implementation mechanism; and requests the Special Rapporteur to inform the State party's President, Ombudsman and the Ministry of Justice of his submission so as to (a) avoid eventual distortion or ignorance on behalf of the domestic authorities and to (b) launch an effective process towards establishing an implementation mechanism in the State party.

Date of transmittal to the State party: 28 October 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Ukraine**
Case	***Bulgakov*, 1803/2008**
Views adopted on	29 October 2012
Violation	Article 17

Remedy: Effective remedy, including to restore the original phonetic form in his identity documents and to adopt such measures as may be necessary to ensure that similar violations do not occur in the future.

Previous follow-up information: No previous follow-up information

Submission from: State party

Date of submission: 17 June 2013

The State party describes the general measures resulting from the entry into force on 10 August 2012 of the Law on the Principles of State Language Policy, which provides that the official language of Ukraine is Ukrainian. However, the law protects the use of regional languages. Article 13 of the law establishes that the passport of Ukrainian citizens bears information about the holder in Ukrainian, as well as, if the holder so wishes, in one of the regional or minority languages of the country. This provision extends to other official documents.

With respect to the author, the State party notes that on 16 August 1999, the Kyiv District Court of Simferopol Crimea Autonomous Republic considered his complaint, in which the author sought to recover his actual name in his foreign passport, as indicated in his birth certificate. The court dismissed his complaint. On 2 February 2000, the Supreme Court dismissed his appeal and confirmed the decision of the Kyiv District Court of Simferopol of 16 August 1999. On 7 August 2000, the Kyiv District Court of Simferopol considered a case regarding the complaint of the applicant on the actions of the Ministry of Internal Affairs of Ukraine in Crimea claiming that the manner in which his name was spelt in his passport differed from the spelling on his birth certificate. The court rejected his complaint. On 30 August 2000, the Supreme Court of the Crimea Autonomous Republic, considering the case on appeal, upheld the Kyiv District Court of Simferopol of 7 August 2000.

The State party adds that the author's case was reviewed by the European Court of Human Rights, which ruled that there was no violation of the author's rights. Finally, the State party reiterates that under domestic legislation, the author can have his name spelt using the spelling of the Ukrainian language, while retaining their original phonetic form in his identity documents.

Date of transmittal to the author: 19 June 2013

Submission from: Author

Date of submission: 19 July 2013

Referring to the State party's submission of 17 June 2013, the author notes that the State party refuses to implement the Committee's Views. The State party suggested that the author use a procedure in order to modify his name, which he had already tried, in vain, and which the Committee found to be ineffective (para. 6.3 of the Views). The author further notes that the existing national legislation concerning the procedure on change of name is not appropriate in his case, as it is only relevant to changes of name in birth certificates. In the author's case, the birth certificate is the only document where his name is correctly transcribed. Consequently, he does not need to go through this procedure. The author further reiterates that the first document where his name was spelled incorrectly is his passport, and that he should be granted a remedy to change this document. In this regard, he notes that the Code of Civil Procedure provides for a right to correct one's name in a passport if it has been misspelled.

Date of transmittal to the State party: 24 July 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation.

State party	**Uruguay**
Case	***Torres Rodriguez*, 1765/2008**
Views adopted on	24 October 2011
Violation	Article 26, read in conjunction with article 2, of the Covenant

Remedy: The State party must recognize that reparation is due to the authors (seven authors in the three communications combined), including appropriate compensation for the losses suffered.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 18 February 2013

The author informed the Committee that article 33 of Act No. 18.179 of 27 December 2010, which had set the maximum age limit for all category M posts in the Foreign Service at 70 years, was not applied to his case. Therefore, the State party failed to comply with the Committee's Views and to provide him with an effective remedy.

Submission from: State party

Date of submission: 15 April 2013

The State party reiterates that pursuant to the Act No. 18.179, servants in step/level R of the Foreign Service, who were within the age limit, were reincorporated in step/level M. Nonetheless, according to this new provision, the maximum age to carry out functions in step/level "M" was 70 years old. Therefore, the author could not re-enter the Foreign Service, but he had received all retirement benefits.

Date of transmittal to the author: 23 May 2013

Committee's decision: Follow-up dialogue ongoing.

State party	**Uruguay**
Case	***Peirano Basso*, 1887/2009**
Views adopted on	19 October 2010
Violation	Article 14, paragraph 3 (c), of the Covenant.

Remedy: Effective remedy; the State party should also take steps to speed up the author's trial; and to prevent similar violations in the future.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 11 July 2013

The State party informed the Committee that the criminal proceedings against Mr. Peirano continued; that the judiciary was still compiling evidence, some of which had to be provided by authorities from different countries; and that there was no reason to file the criminal case, as requested by the author.

Submission from: Author

Date of submission: 23 August 2013

The author's counsel informs the Committee that no measures were undertaken by the State party to implement the Views adopted in this case and there are no effective remedies available to speed up the trial. The criminal lawsuit against the author and his siblings started in 2002 and, to date, the indictment phase is still ongoing. The author has been in pretrial detention for more than five years, whereas the maximum penalty for the offences of which he is charged is 10 years. Therefore, the author's counsel claims that the State party has violated the *in dubio pro reo* principle, as well as the author's right to be presumed innocent. He further claims that pretrial detention is an exceptional measure, also invoking the right to a speedy and fair trial, due process of law and impartiality. Finally, he requests that the Committee suggest that the State party to close the trial proceedings on the basis that the State's ability to punish the author was forfeited for not meeting a reasonable time criteria.

Submission from: State party

Date of submission: 22 October 2013

The State party informs the Committee that the author's trial is currently on hold, pending receipt of supporting evidence with respect to the defence. Since the evidence requested involves financial institutions overseas, the Government has requested the cooperation of Interpol in 16 August 2013. The State party further holds that the author still has a number of judicial recourses opened to him. Finally, it submits that both the Penal Code and the Code of Penal Procedure are being reviewed by the Parliament, which demonstrates the State's willingness to abide by the recommendations of the Committee. Upon the approval of the new legislation, an accusatory system of trial should replace the inquisitorial one, now in force in Uruguay.

Date of transmittal to the author: 24 October 2013

Committee's provisional assessment:

- Remedy (effective remedy and speedy conclusion of the proceedings): C1;
- Publication of the Committee's Views: no information;
- Measures adopted to guarantee non-repetition: C1.

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Uzbekistan**
Case	***Ismailov*, 1769/2008**
Views adopted on	25 March 2011
Violation	Article 9, paragraphs 2 and 3; and article 14, paragraph 3 (b), (d), (e), and (g), of the Covenant.

Remedy: Effective remedy. The State party is also under an obligation to consider a retrial in compliance with all guarantees enshrined in the Covenant, or release, as well as appropriate reparation, including compensation.

No previous follow-up information

Submission from: Author

Date of submission: 17 June 2013

The author submits that the State party has taken no measures to give effect to the Committee's Views. Her husband is still detained in colony UYa (УЯ) 64/21. He has been subject to frequent and unsubstantiated accusations, which makes him unqualified for an amnesty.

Date of transmittal to the State party: 19 June 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Uzbekistan**[38]
Case	***Musaev*, 1914–1915–1916/2009**
Views adopted on	21 March 2012
Violation	Articles 7; 9; and article 14, paras 3 (b), 3 (g) and 5, of the Covenant.

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[38] A meeting of the Special Rapporteur on Follow-up to Views took place during the 108th session, on 19 July 2013, with a representative of the State party.

Remedy: Effective remedy, including: carrying out an impartial, effective and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible; either his retrial in conformity with all guarantees enshrined in the Covenant or his release; and providing the victim with full reparation, including appropriate compensation. The State party is also under an obligation to take steps to prevent similar violations occurring in the future.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 16 July 2013

The author submitted that, nearly a year and a half since the adoption of the Committee's Views, the State party had yet to bring positive changes in in her son's case. It has not carried out an investigation, nor offered him a retrial, nor released him. It has been more than seven years since Mr. Musaev's illegal arrest and imprisonment, a long period for an innocent person, especially one who was subjected to torture and ill-treatment.

The author adds that, reading the State party's observations, she notices that the latter avoids facing its obligations. Although it has not refuted the facts of the case, it has affirmed, in general terms, that no violation of the victim's rights occurred. The author claims that there is no point arguing with the State party, which has no meaningful answer to provide.

Finally, the author recalls that in addition to the Committee's Views, there has been a decision of the Working Group on Arbitrary Detention on her son's case. Despite these rulings, the State party has yet to remedy the violations suffered by Mr. Musaev. The author requests her son's immediate release.

Submission from: Author

Dates of submissions: 12, 13 and 21 August 2013

The author reiterates her previous submissions pertaining to the merits of the case, notably stressing that her son had an illegal trial, and was detained illegally.

The author requests the Committee to ensure the implementation of its view by the State party.

Date of transmittal to the State party: 3 October 2013

Committee's decision: Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Venezuela (Bolivarian Republic of)**
Case	***Cedeño*, 1940/2010**
Views adopted on	29 October 2012
Violation	Articles 9 and 14, paragraphs 1, 2 and 3 (c), of the Covenant.

Remedy: Effective remedy, including by: (a) if the author faces trial, ensuring the trial affords all the judicial guarantees provided for in article 14 of the Covenant; (b) assuring him that he will not be held in arbitrary detention for the duration of the proceedings; and (c) providing the author with redress, particularly in the form of appropriate compensation.

No previous follow-up information

Submission from: Author's counsel

Date of submission: 22 May 2013

The author's counsel informs the Committee that the State party has not taken measures to implement the Committee's Views. In April 2013, the author's counsel sent letters to various governmental and judicial authorities to request the implementation, but all remained unanswered. The author's counsel asks the Committee to urge the State party to implement its Views.

Date of transmittal to State party: 30 May 2013

Submission from: Author's counsel

Date of submission: 30 May 2013

The author informed the Committee that no measures had been taken by the State party to implement the Views. The author sent letters to several authorities to insist on the implementation of the decision, to no avail. Furthermore, the office of the Chief Justice at the Supreme Court simply refused his letter.

Date of transmittal to State party: 12 June 2013

Committee's decision: At its 109th session, the Committee decided to send a reminder to the State party for its observations.

Follow-up dialogue ongoing. The Committee's recommendation has not been implemented.

State party	**Zambia**
Case	***Chongwe*, 821/1998**
Views adopted on	25 October 2000
Violation	Articles 6, paragraph 1, and 9, paragraph 1, of the Covenant.

Remedy: Adequate measures to protect the author's personal security and life from threats. The Committee urged the State party to carry out independent investigations of the shooting incident, and to expedite criminal proceedings against the persons responsible for the shooting. If the outcome of the criminal proceedings reveals that persons acting in an official capacity were responsible for the shooting and injuring of the author, the remedy should include damages to Mr. Chongwe.

Previous follow-up information: A/68/40

Submission from: Author

Date of submission: 19 May 2013

The author submitted that, several years ago, under the Presidency of Frederick Titus Jacob Chiluba, the State party amended the State Proceedings Act to prohibit successful litigants against the State of Zambia from executing judgements against the property of the State. Similarly, a law was passed to prohibit successful litigants against the Bank of Zambia, and against all local authorities from executing their judgments. In civil litigation in Zambia, there is no equality before the law between the State and ordinary citizens.

Date of transmittal to State party: 19 July 2013

Committee's decision: Follow-up dialogue ongoing.

B. Meetings on follow-up on Views with States parties' representatives

266. During the 108th session, the Special Rapporteur for follow-up to Views met with representatives of Algeria, Ukraine and Uzbekistan. During the 109th session, the Special Rapporteur met with a representative of the Russian Federation.[39] During the 110th session, the Rapporteur met with representatives of Cameroon, Kyrgyzstan and Nepal.

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[39] Further to the request of the Russian Federation.

VII. Follow-up to concluding observations

267. In chapter VII of its annual report for 2003,[40] the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its previous annual report,[41] an updated account of the Committee's experience in this regard over the previous year was provided. The current chapter again updates the Committee's experience to 30 March 2014.

268. Over the period covered by the present annual report, Mr. Salvioli acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's 109th and 110th sessions, the Special Rapporteur with the assistance of the Deputy presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

269. For all reports of States parties examined by the Committee under article 40 of the Covenant over the past year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, 15 States parties have submitted information to the Committee under the follow-up procedure (Argentina, Armenia, Bosnia and Herzegovina, Bulgaria, Estonia, Germany, Guatemala, Jordan, Kuwait, Lithuania, the Netherlands, Norway, Slovakia, Turkmenistan and Yemen) and 11 States parties (Angola, Dominican Republic, El Salvador, Iceland, Iran (Islamic Republic of), Kenya, Maldives, Paraguay, Peru, Philippines and Turkey) failed to provide any information in relation to follow-up to concluding observations. Seven States parties (Azerbaijan, Jamaica, Kazakhstan, Mongolia, Republic of Moldova, Serbia and Togo) have not provided additional information required by the Committee to clarify their follow-up responses. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.

270. The reports below were adopted by the Human Rights Committee at its 109th and 110th sessions and reflect the decisions taken with regard to the follow-up report or complementary information provided by States parties during the period under review. The follow-up table (annex V) reflects the status of the follow-up procedure for all States parties that have been considered under this procedure since the eighty-sixth session (March 2006).

A. Follow-up report adopted by the Committee during its 109th session

271. The following information was contained in the report of the Special Rapporteur for follow-up on concluding observations adopted by the Committee at its 109th session.

272. It has been the Human Rights Committee's practice to submit three follow-up reports each year in which it analyses the replies sent by States parties between one session

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[40] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

[41] Ibid., *Sixty-sixth Session, Supplement No. 40*, vol. I (A/66/40 (vol. I)).

and the next. In view of the brevity of the intervals between the March, July and October sessions and given the time constraints associated with deadlines for submission of documents to the translation services, the Special Rapporteur has decided to submit only two follow-up reports per year, during the March and October sessions. This new procedure is expected to allow all the parties concerned to deal with the relevant material in greater depth at each stage in the follow-up process.

273. In order to ensure that the new timetable for reports does not delay the consideration of a situation which is of an urgent nature (either for procedural reasons or because of the seriousness of developments in a State party), the Special Rapporteur will, however, submit a partial report on those cases in which she believes that a decision needs to be taken as a matter of urgency. Comprehensive information on the follow-up action undertaken by the Committee since its eighty-seventh session (July 2006) is in the follow-up table that will be included as an annex to the next progress report of the Special Rapporteur for follow-up to concluding observations.

Assessment of replies	
Reply/action satisfactory	
A	Response largely satisfactory
Reply/action partially satisfactory	
B1	Substantive action taken, but additional information required
B2	Initial action taken, but additional information and measures required
Reply/action not satisfactory	
C1	Response received but actions taken do not implement the recommendation
C2	Response received but not relevant to the recommendations
No cooperation with the Committee	
D1	No response received within the deadline, or no reply to a specific question in the report
D2	No response received after reminder(s)
The measures taken are contrary to the Committee's recommendations	
E	The response indicates that the measures taken are contrary to the Committee's recommendations

Eighty-seventh session (July 2006)

United Nations Interim Administration in Kosovo (UNMIK)

Concluding observations:	CCPR/C/UNK/CO/1, 27 July 2006
Follow-up paragraphs:	13, 18
Second reply:	Reply to the letter from the Committee dated 12 November 2012, received on 12 February 2013

United Nations Interim Administration in Kosovo (UNMIK)

Follow-up history:

April–September 2007: Three reminders were sent.

10 December 2007: Request by the Special Rapporteur to meet with the Secretary-General's Special Representative or his designated representative.

11 March 2008: First follow-up reply from UNMIK. Reply incomplete with regard to paragraphs 13 and 18.

11 June 2008: Request by the Special Rapporteur to meet with a UNMIK representative.

22 July 2008: Meeting with Mr. Roque Raymundo.

7 November 2008: Second follow-up reply: incomplete. Request for supplementary information on paragraphs 13 and 18.

12 November 2009: Third follow-up reply: incomplete.

28 September 2010: Letter from the Committee requesting additional information.

10 May 2011: Request by the Special Rapporteur to meet with the Secretary-General's Special Representative for Kosovo.

20 July 2011: The Special Rapporteur met with the Director of the UNMIK Office of Legal Affairs (Mr. Tschoepke), who indicated that information would be forwarded by UNMIK before the October 2011 session.

9 September 2011: Letter from UNMIK stating that, while its institutional mandate no longer permitted it to implement the Committee's recommendations, it was committed to collecting information from international organizations involved in the situation.

10 December 2011: Letter from the Committee acknowledging the commitment by UNMIK to collect information on the implementation of the Committee's recommendations.

22 December 2011: Letter from the Committee to the Office of Legal Affairs (Ms. O'Brien) requesting advice on the general status of Kosovo and on the strategy to adopt in the future to maintain a dialogue with Kosovo.

13 February 2012: Fourth follow-up reply from UNMIK.

12 November 2012: Letter from the Committee indicating the lack of information with regard to part of paragraph 13 (access of the relatives of disappeared or abducted persons to information on their fate, and to adequate reparation) and regarding paragraph 18 (actions taken to create the conditions of security that are necessary for the sustainable return of displaced persons).

12 February 2013: Additional reply from UNMIK on paragraphs 13 and 18.

Paragraph 13: UNMIK, in cooperation with PISG [the Provisional Institutions Self-Government], should effectively investigate all outstanding cases of disappearances and abductions and bring perpetrators to justice. It should ensure that the relatives of disappeared and abducted persons have access to information about the fate of the victims, as well as to adequate compensation.

United Nations Interim Administration in Kosovo (UNMIK)

Summary of the UNIMIK reply:

With regard to access by the relatives of those disappeared or abducted to information on the fate of the victims, article 5 of the Law on Missing Persons (Law No. 04/L-023 of 14 September 2011) guarantees the right of family members to be informed of the fate of missing persons.

EULEX Kosovo (European Union Rule of Law Mission in Kosovo) forensic experts have handed over the remains of 330 victims to their families and 80 are subject to ongoing investigations. There are, however, 1,760 persons still missing. EULEX and the Department of Forensic Medicine coordinate with family associations, individual families and other stakeholders to exchange information.

With regard to access to adequate reparation by the relatives of those disappeared or abducted, article 6 of the Law on Missing Persons foresees that a court can grant a daily fee to the relatives from the properties of the missing person.

In addition, article 5 of the Law No. 04/L-054 on the status and the rights of the martyrs, invalids, veterans, members of Kosovo Liberation Army, civilian victims of war and their families, in force since 1 January 2012, provides for a family pension for the close family of a missing civilian person.

According to the UNMIK reply dated 12 November 2009 (CCPR/C/UNK/CO/1/Add.3), although claims for compensation by family members of victims could be addressed to the Kosovo courts, generally, the criminal courts stated in criminal judgments that injured parties could pursue property claims in civil litigation. However, many families of missing persons did not have the financial resources to hire private attorneys to represent them in compensation claims. According to the information provided at the time, families of missing persons could obtain legal aid in compensation claims through the Legal Aid Commission. It is unknown if, with the new regime (after the unilateral declaration of independence), this is still the case.

Committee's evaluation:

[A]: With regard to access to information by the relatives of those disappeared or abducted about the fate of the victims, the response is largely satisfactory.

[B1]: With regard to access to adequate reparation by the relatives of those disappeared or abducted, substantive action has been taken, but UNMIK should provide additional information indicating which measures are in place to guarantee:

(a) Access to adequate compensation to the relatives of the victims, which should cover material and moral damages; updated information on whether the relatives of missing people can access free legal aid in civil compensation claims, as well as how many compensation claims have been filed and how many have been granted, should be included;

(b) Other forms of reparation, if appropriate, such as rehabilitation, restitution and satisfaction for the victims and their families.

United Nations Interim Administration in Kosovo (UNMIK)

Paragraph 18: UNMIK, in cooperation with PISG, should intensify efforts to ensure safe conditions for sustainable returns of displaced persons, in particular those belonging to minorities. In particular, it should ensure that they may recover their property, receive compensation for damage done and benefit from rental schemes for property temporarily administered by the Kosovo Property Agency.

Summary of the UNMIK reply:

- Ensuring safe conditions for sustainable returns of displaced persons:

In response to security incidents affecting returnees, international organizations have issued public condemnations strongly urging Kosovo to take actions to enhance security.

The Organization for Security and Co-operation in Europe (OSCE) implements training to enhance the effective functioning of community protection mechanisms at municipal level and the effectiveness of community policing. When there is resistance to returns, international organizations facilitate inter-ethnic dialogue. UNMIK and OSCE also monitor freedom of movement of communities, through reports on the provision of humanitarian bus transportation by Kosovo institutions. OSCE has secured the reinstatement of two suspended lines. No information has been provided on action undertaken by the local government.

According to the UNMIK reply dated 13 February 2012, 10 per cent of the minorities had returned to Kosovo. No more updated numbers have been provided since then.

- Post-conflict property restitution:

The work of the Kosovo Property Claims Commission (KPCC) within the Kosovo Property Agency (KPA) continues with regard to the assessment of property claims resulting from the 1998–1999 conflict. Since its creation in March 2011, the Supreme Court KPA Appeal Panel has decided on appeal the KPCC decisions. It has adjudicated more than 300 property cases.

- Compensation for damage done:

According to the UNMIK reply dated 13 February 2012 (CCPR/C/UNK/CO/1/Add.4) the KPA Supervisory Board approved the criteria and procedures for a compensation scheme, and prospective donors were approached to fund the compensation scheme. The declaratory orders issued by the Housing and Property Claims Commission, stating that claimants had some form of ownership over properties destroyed during the conflict, were transferred to EULEX.

- Rental schemes:

According to the UNMIK reply dated 13 February 2012 (CCPR/C/UNK/CO/1/Add.4), KPA operates a rental scheme that makes it possible for the owner (most of the time abroad) to receive a fixed income from their property by authorizing KPA to rent it.

Committee's evaluation:

[B2]: Additional measures remain necessary to ensure safe conditions for sustainable returns of displaced persons. UNMIK should indicate which measures are in place, including with regard to coordination between central and municipal level in the implementation of return strategies, community policing and community security mechanisms.

United Nations Interim Administration in Kosovo (UNMIK)

[B2]: More information is necessary with regard to the implementation of the KPA compensation scheme. The Committee requests UNMIK to provide additional information as soon as possible once such measures are being adopted.

[A]: With regard to post-conflict property restitution and rental schemes, the response is largely satisfactory.

Recommended action: A letter should be sent, informing UNMIK of the discontinuation of the follow-up procedure. Pending issues should be raised in the next list of issues or list of issues prior to reporting.

Next periodic report: See CCPR/C/SRB/CO/2, paragraph 3.

Ninety-eighth session (March 2010)

Uzbekistan

Concluding observations:	CCPR/C/UZB/CO/3, 24 March 2010
Follow-up paragraphs:	8, 11, 14, 24
First reply:	Due 24 March 2011; received 30 January 2012
Committee's evaluation:	Additional information required on paragraphs 8 [B2/D1], 11 [B1/B2/C1], 14 [B2] and 24 [D1]
Second reply:	Reply to the Committee's letter of 13 November 2012, received on 11 February 2013

Paragraph 8: The State party should conduct a fully independent investigation and ensure that those responsible for the killings of persons in the Andijan events are prosecuted and, if found guilty, punished, and that victims and their relatives are given full compensation. The State party should review its regulations governing the use of firearms by the authorities, in order to ensure their full compliance with the provisions of the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

Follow-up question:

On paragraph 8, the Committee reiterated its request for information on:

(a) The actions taken for the investigation of the Andijan events and prosecution of those responsible and on the decisions adopted against 39 internal affairs officials and members of the military; and

(b) The measures taken to revise the regulations governing the use of firearms by the authorities, in order to ensure their full compliance with the provisions of the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Uzbekistan

Summary of State party's reply:

The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 4, 5 and 6) on the investigation of the Andijan events and prosecution of those responsible, and on the decisions adopted against 39 internal affairs officials and members of the military. It does not provide any information on the measures taken to revise the regulations governing the use of firearms by authorities.

Committee's evaluation:

[C1]: On subparagraph (a), the State party repeats its previous reply. No response to the specific request for additional information has been provided.

[D1]: On paragraph (b), no reply was received on the revision of regulations governing the use of firearms by authorities.

Paragraph 11: The State party should:

(a) Make sure that an inquiry is conducted by an independent body in each case of alleged torture;

(b) Strengthen its measures to put an end to torture and other forms of ill-treatment, to monitor, investigate and, where appropriate, prosecute and punish all perpetrators of acts of ill-treatment, so as to avoid impunity;

(c) Compensate the victims of torture and ill-treatment;

(d) Envisage audiovisual recording of interrogations in all police stations and places of detention;

(e) Make sure that the specialized medical-psychological examination of alleged cases of ill-treatment is carried out in line with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);

(f) Review all criminal cases based on allegedly forced confessions and use of torture and ill-treatment and verify whether these claims were properly addressed.

Follow-up question:

The Committee requested additional information on:

(a) The independence of the authority in charge of the investigation into cases of torture and other cruel, inhuman or degrading treatment or punishment, given that such authorities depend on the Ministry of Interior;

(b) Measures taken other than training to put an end to torture and other forms of ill-treatment and to avoid impunity;

(c) The proportion of cases in which victims of torture and other forms of ill-treatment have received compensation, and on the nature and amount of the reparation received, as well as on the psychosocial attention that they receive;

(d) The practical implementation of the principles of criminal procedure law with regard to the audiovisual recording of interrogations in all police stations and places of detention: the proportion of investigative units, temporary detention cells, remand centres, police cells and prisons that are equipped for the audiovisual recording of interrogations; and the proportion of cases in which such recording is carried out;

(f) The actual implementation of the legal prohibition of forced confessions and of the use of torture and ill-treatment, and on the decisions adopted in such cases.

Summary of State party's reply:

On subparagraphs (a) and (b): The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 14–17 and 19).

On subparagraph (c): The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 30 and 31) that the Code of Criminal Procedure provides for an individual's rehabilitation, including its grounds and consequences, as well as the procedure for compensation and the restoration of other rights. It refers to other provisions of domestic law regulating the issue of compensation for damage caused by the unlawful actions of the initial inquiry bodies, preliminary investigating bodies, procurator and courts.

On subparagraph (d): The State party indicates that article 91 of the Code of Criminal Procedure provides for the use of audio and video recordings, photography and other technical means for recording evidence. In order to prevent the unlawful treatment of parties to criminal proceedings, the question of additional equipping of temporary detention cells, investigation detention facilities and facilities of penitentiary system with special technical means, audio and video recording equipment is being studied.

On subparagraph (f): The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 43–48) on the prohibition of coercion of a suspect, accused person, defendant, victim, witness or other person involved in a case into giving testimony by means of violence, threats, infringement of their rights or by other illegal measures, as well as on the inadmissibility of evidence obtained by use of any of the above unlawful means.

Committee's evaluation:

[C1]: The State party repeats its previous reply and provides no information on the specific issues as requested in the Rapporteur's letter of 13 November 2012.

Paragraph 14: The State party should:

(a) Amend its legislation to ensure that length of custody is fully in line with the provisions of article 9 of the Covenant;

(b) Ensure that the legislation governing judicial control of detention (habeas corpus) is fully applied throughout the country, in compliance with article 9 of the Covenant.

Follow-up question:

The Committee requested additional information on the measures taken to amend domestic legislation and guarantee its compliance with the provisions of article 9 of the Covenant, and to ensure that the legislation governing judicial control of detention (habeas corpus) is fully applied throughout the country.

Uzbekistan

Summary of State party's reply:

The Code of Criminal Procedure defines the grounds and procedure for the detention of persons suspected of having committed an offence for 72 hours. Within this period, it is necessary to conduct a medical examination of the person and to take procedural actions to secure incriminating evidence, to submit the materials to the prosecutor with a request for remand in custody, and to transmit the prosecutor's ruling and materials of the case to court not later than 12 hours before the expiration of the period of detention.

The State party further repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 54–56) on the possibility of extending the period of detention by court order for a further 48 hours and on the introduction of the institution of habeas corpus in Uzbekistan. It also submits that article 9 of the Covenant does not specify any precise time limits, but only states that any person arrested or detained on a criminal charge shall be brought promptly before a judge.

Regular control over the legality and reasonableness of court decisions on the use of remand in custody during pretrial proceedings has been established following the adoption of the joint directive of the General Prosecutor's Office, the Ministry of Internal Affairs, the National Security Service and the Supreme Court of Uzbekistan of 17 August 2010 on further strengthening the protection of the rights and freedoms of citizens in the application of preventive measures in the form of imprisonment and sentencing to deprivation of liberty.

Committee's evaluation:

[C1]: The recommendation has not been implemented. No measures appear to have been taken to amend the existing 72-hour period of detention of persons suspected of having committed an offence before bringing them before a judge. The State party's reply also lacks information on measures taken to ensure that the legislation governing judicial control of detention (habeas corpus) is fully applied throughout the country.

Paragraph 24: The State party should allow representatives of international organizations and NGOs to enter and work in the country and guarantee journalists and human rights defenders in Uzbekistan the right to freedom of expression in the conduct of their activities. It should also:

(a) Take immediate action to provide effective protection to journalists and human rights defenders who were subjected to assaults, threats, and intimidations due to their professional activities;

(b) Ensure the prompt, effective, and impartial investigation of threats, harassment, and assaults on journalists and human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts;

(c) Provide the Committee with detailed information on all cases of criminal prosecutions relating to threats, intimidation, and assaults of journalists and human rights defenders in the State party in its next periodic report;

(d) Review the provisions on defamation and insult (arts. 139 and 140 of the Criminal Code) and ensure that they are not used to harass, intimidate, or convict journalists or human rights defenders.

Uzbekistan

Follow-up question:

The Committee requested information on:

- The protective measures adopted to prevent assaults, threats, and intimidations against journalists and human rights defenders due to their professional activities;
- The review of the provisions on defamation and insult (arts. 139 and 140 of the Criminal Code) and on the measures taken to ensure that they are not used to harass, intimidate, or convict journalists or human rights defenders.

Summary of State party's reply:

The Committee's assertion concerning cases of assaults of, threats to and intimidation of journalists and human rights defenders and their criminal prosecution due to their professional activities does not correspond to reality. When reported to competent authorities, such cases are examined in accordance with the requirements of national legislation and necessary measures are taken, including initiation of criminal cases where applicable.

Committee's evaluation:

[C2]: The recommendation has not been implemented. No new measures appear to have been taken since the examination of the State party's report. The State party denies the existence of the problem. No information is provided on the review of the provisions on defamation and insult and on the measures taken to ensure that these provisions are not used to harass, intimidate, or convict journalists or human rights defenders.

Recommended action:

A letter should be sent informing Uzbekistan of the discontinuation of the follow-up procedure. Pending issues should be raised in the next list of issues.

Next periodic report: Uzbekistan submitted its next periodic report (fourth) on 5 April 2013.

101st session (March 2011)

Slovakia

Concluding observations:	CCPR/C/SVK/CO/3, 28 March 2011
Follow-up paragraphs:	7, 8, 13
First reply:	Due 28 March 2012; received 28 March 2012
Committee's evaluation:	Additional information required on paragraphs 7 [C1], 8 [B2] and 13 [C1]
Second reply:	Reply to the Committee's letter of 12 November 2012, received on 29 April 2013

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NGO information: The European Roma Rights Centre (ERRC) and the Center for Civil and Human Rights (CCHR-P)

Paragraph 7: The State party is encouraged to ensure that such a bill is enacted into law to provide a remedy to persons who allege an infringement of their rights arising from the incompatibility of provisions of national law with international treaties that the State party has ratified.

Follow-up question:

The Committee requested additional information on the remedies available for victims for the violation of their rights under the Covenant.

Summary of State party's reply:

The State party repeats its previous reply that it would not be possible to enact bill No. 38/1993 Coll. so as to provide a remedy to persons for infringement of their rights under the Covenant, because that would require an amendment of the Constitution.

NGO information:

ERRC and the CCHR-P are not aware of any action taken by the State party to enact the above-mentioned law.

Committee's evaluation:

[C2]: The State party has not taken measures to implement the recommendation other than stating that the enactment of the referred law would require amending the Constitution.

Paragraph 8: The State party should strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against Roma, by, inter alia, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity. The State party should also strengthen its efforts to ensure that police officers suspected of committing such offences are thoroughly investigated and prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

Follow-up question:

The Committee requested additional information on the compensation received by victims of racist acts perpetrated by law enforcement officers, as well as on the available mechanisms of investigation, prosecution and punishment of law enforcement officers who have committed such crimes.

Summary of State party's reply:

- Reference is made to article 128 (1) of the Criminal Code which sanctions crimes committed by public officials, including the police corps. In addition, committing an extremist crime or racially motivated χριμε by a public official is a reason for applying a stricter criminal sanction;
- The Act on the compensation of persons injured by violent criminal acts enables financial compensation to victims of violent crimes without any discrimination;

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- Victims of crimes have the right to be informed in writing of their rights in criminal proceedings, as well as to be informed about NGOs προϖιδινγ free legal aid. Legal representation can also be sought from these NGOs;
- Criminal acts committed by the police force are investigated by the Department of Control and Inspection Service of the Ministry of Interior; in such cases a police investigator integrated in the Inspection Section acts in the criminal process, and all decisions issued by the police investigator on the merits of the case are reviewed by the prosecutor's office.

NGO information:

CCHR-P:

The State party has not taken sufficient action to eliminate racist attacks by the police, and statistical data on police ill-treatment is not collected. Some training has been conducted by law enforcement agencies but the impact of these training efforts has not been evaluated. As for the investigation of racist attacks, CCHR-P is not aware of any progress to ensure thorough investigation of such acts. In many cases of police ill-treatment against Roma, there is a lack of effective investigation, and investigators often discontinue proceedings at the early stage of criminal investigation. The impartiality of the investigation carried out by the special section of the Ministry of Interior is disputable.

ERRC:

The principal document dealing with cases of extremism is the Concept Paper for Combating Extremism 2011–2014. While the concept paper introduces various training measures directed to the police and aimed at fighting extremism and describes the phenomenon of extremism in detail, it lacks practical elements. There was no evidence that the training took place in reality. A protocol for the police on how to investigate and prosecute hate crimes was still absent.

Committee's evaluation:

[B2]: With regard to training for law enforcement personnel, while the Committee appreciates the fact that some training has been carried out by the State party, it requires more information on the frequency of this training and whether they integrated the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

[C1]: On the mechanism of investigation, the Committee regrets that no information was offered on whether compensation has actually been provided to victims of racial attacks. Additional information is required concerning the mechanism for the investigation carried out by the special section of the Ministry of Interior in order to assess its adherence to international standards of investigation, including impartiality. Moreover, no information was provided on the prosecution and punishment of law enforcement officers who committed such crimes.

Paragraph 13: The State party should take the necessary measures to monitor the implementation of Act No. 576/2004 Coll. to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization services at health facilities. In this regard, the State party should introduce special training for health personnel aimed at raising awareness

about the harmful effects of forced sterilization.

Follow-up question:

The Committee considered that positive actions have been taken, but that no information is provided on the actions taken to monitor the implementation of Act No. 576/2004 to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization services at health facilities. The Committee therefore reiterates its recommendation and requests the State party to provide information on the issue.

Summary of State party's reply:

- The law amending Act No. 576/2004 modified the procedure for obtaining women's consent to perform sterilization, as well as the forms for giving informed consent in the State language and minority languages;
- A draft decree of the Ministry of Health is being prepared on guidelines to be followed prior to obtaining the women's consent and to performing the sterilization; it was expected to have been operationalized by 1 April 2013;
- Training for health professionals is provided by the Ministry of Health on forced sterilization of Roma women.

NGO information:

CCHR-P:

Following the European Court of Human Rights decision (*V.C. v. Slovakia*) against Slovakia in which the Court decided in favour of a Romani woman who was involuntarily sterilized by a Slovak State hospital, the Slovak Minister of Justice expressed regret at the illegal interference with the Romani woman's rights and in other cases of illegal sterilization. In February 2012 an advisory body to the Government issued resolution No. 37 on unlawful sterilization; inter alia, the resolution recommended that the State party issue relevant regulations for hospitals on unifying the process of performing sterilization with informed consent, as well as monitor the implementation of the existing legislation on performing sterilization and carry out training for health personnel. However, the resolution has not been implemented by the State party. CCHR-P is not aware of any training carried out for health personnel aimed at raising awareness about the harmful effects of forced sterilization.

ERRC:

The Ministry of Labour, Social Affairs and Family proposed legislation to offer free-of-charge (voluntary) sterilization for women from socially excluded communities. The bill was shelved immediately after release due to civil society criticism. ERRC states that Slovak authorities have never recognized that forced sterilization was a systematic issue.

Committee's evaluation:

[B2]: The State party's reply lacks information on how in practice it is guaranteeing that the fully informed consent of women is obtained prior to sterilization. No information is provided on if and how the implementation of the Act No. 576/2004 is monitored. Additional information is also required on the draft decree prepared by the Ministry of Health on guidelines to be followed prior to obtaining the women's consent and

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performing the sterilization, and on steps taken to ensure its implementation.

Recommended action: A letter should be sent reflecting the Committee's analysis and informing Slovakia of the discontinuation of the follow-up procedure. Pending issues should be raised in the next list of issues.

Next periodic report: 1 April 2015

102nd session (July 2011)

Bulgaria

Concluding observations:	CCPR/C/BGR/CO/3, 25 July 2011
Follow-up paragraphs:	8, 11, 21
First reply:	Due 19 August 2012; received 31 January 2013

Paragraph 8: The State party should take the necessary measures to eradicate all forms of harassment by the police and ill-treatment during police investigations, including prompt investigations, the prosecution of perpetrators and the adoption of provisions for effective protection and remedies to the victims. The requisite level of independence of the judicial investigations involving law enforcement officials should be guaranteed. The State party should ensure the creation and implementation of an independent oversight mechanism on prosecution and convictions in the cases of complaints against criminal conduct by members of the police.

Summary of State party's reply:

The State party reiterated that the Permanent Commission on Human Rights and Police Ethics was established by the Ministry of Interior to ensure a permanent mechanism for monitoring and supervision of the activities of the police.

The Ministry of Interior has also established a special registration system for complaints of alleged ill-treatment by police officers. Another monitoring mechanism, established within the administrative structure of the Ministry, is the Inspection Directorate, which can investigate and proceed with complaints against any Ministry of Interior employee or police officer for alleged violations of the law.

The Code of Ethics for civil servants at the Ministry was amended in December 2011. It prescribes ethical standards relating to the conduct and public image of civil servants, and includes rules aimed at preventing human rights violations. Violations of the rules of conduct of civil servants are considered a disciplinary offence, in which case the appropriate disciplinary action is brought against the offender.

According to the latest amendments to the Ombudsman Act, on 10 April 2012, the Ombudsman will act as the national preventive mechanism under and in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In March 2012, the Police Academy started a new course on "Police Practices and Human Rights". The course covers the legal amendments related to the recently introduced "absolute necessity" criterion in the use of firearms, equipment and physical force. Special

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emphasis is given to the prohibition of torture, cruel or degrading treatment or punishment. Also in March 2012, the Police Academy conducted a training course on "Combating Hate Crimes". In December 2011, a training seminar was held for members of the Standing Committee on Human Rights and Police Ethics on "Recent decisions of the European Court of Human Rights in the context of police ethics".

Committee's evaluation:

[B2]: While the report indicates local measures to implement the Committee's recommendation, including training organized for police officers, additional information should be requested on:

(a) Information and data on investigations, the prosecution of perpetrators and the adoption of provisions for effective protection and remedies to the victims;

(b) Data on the incidence of all forms of harassment by the police and ill-treatment during police investigations; and

(c) Measures taken to create an oversight mechanism on prosecution and convictions in the case of complaints against criminal conduct by members of the police.

Paragraph 11: The State party should ensure, as a matter of urgency, the conformity of its legislation and regulations with the exigencies of the right to life, in particular as reflected in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Summary of State party's reply:

The State party reiterates that the use of force, means of restraint and firearms are exhaustively regulated by law. Police officers whose functions involve actions which may affect citizens' rights or freedoms undergo mandatory training.

The Ministry of Interior initiated and held a public discussion on the need to amend the Ministry of Interior Act regarding the use of firearms by police authorities, to bring its provisions in line with the European Convention of Human Rights and other international treaties to which Bulgaria is a party. As a result, the Ministry set up a working group to draft proposals for amendments to the Ministry of Interior Act. The Act on Amendments to the Ministry of Interior Act was adopted and has been in force since 1 July, 2012. An important point is that the "absolute necessity" standard has been introduced for the use of weapons, physical force and means of restraint by police authorities, thus completing the legal framework ensuring that the rights of citizens are respected.

When resorting to physical force and means of restraint, police authorities only apply the force which is absolutely necessary, taking all measures to protect the life and health of persons against whom such force is applied. The use of physical force and means of restraint in relation to persons who are visibly minors and to pregnant women is prohibited; the prohibition does not apply to riot control measures where all other means have been exhausted. The use of life-threatening force to arrest or prevent the escape of a person who is committing or has committed a violent offence is prohibited where such person does not endanger the life and health of others.

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Committee's evaluation:

[B1]: Positive measures were taken by the State party. A copy of the Act on Amendments to the Ministry of Interior Act, in force since 1 July 2012, should be requested to assess its compliance with international standards on the use of lethal force and article 6 of the Covenant.

Paragraph 21: The State party should make sure that the principle of independence of the judiciary is fully respected and understood, and should develop awareness-raising activities on the key values of an independent judiciary aimed at the judicial authorities, law enforcement officials and for the population at large.

Summary of State party's reply:

The principle of the independence of the judiciary is firmly enshrined in the State party's Constitution and in the Judiciary System Act. The State party reiterated the importance of articles 117, 119 and 121 of the Constitution and article 20 of the Code of Criminal Procedure.

Committee's evaluation:

[C1]: No measures have been adopted and the Committee reiterates its recommendation. Additional information should be provided by the State party on the progress realized by the State party to ensure that the principle of independence of the judiciary is fully respected, in particular if the State party has conducted any awareness-raising activities on the key values of an independent judiciary aimed at judicial authorities, law enforcement officials and/or for the population at large.

Recommended action: Letter reflecting the Committee's analysis.

Next periodic report: 29 July 2015

103rd session (November 2011)

Kuwait

Concluding observations:	CCPR/C/KWT/CO/2, 2 November 2011
Follow-up paragraphs:	18, 19, 25
First reply:	Due 18 November 2012; received 27 April 2012
Committee's evaluation:	Additional information required on paragraphs 18 **[C2]**, 19 **[B2** and **D1]** and 25 **[C1]**.
Second reply:	Reply to the Committee's letter of 12 November 2012, received on 6 April 2013.

NGO information: Alkarama Foundation: 1 July 2013; 25 July 2013

Paragraph 18: The State party should abandon the sponsorship system and should enact a framework that guarantees the respect for the rights of migrant domestic workers. The State party should also create a mechanism that actively controls the respect for legislation and regulations by employers and investigates and sanctions

their violations, and that does not depend excessively on the initiative of the workers themselves.

Follow-up question:

Regarding paragraph 18, the Committee considered that the recommendation contained therein was not implemented and that additional information is necessary on:

- Measures adopted by the general authority established under Act No. 6/2010 to overcome the negative aspects of the sponsorship system and on its competency with regard to domestic workers; and
- Human and financial resources for the general authority mentioned.

Summary of State party's reply:

Pursuant to Act No. 6/2010 on Private Sector Labour, a general authority to address workforce issues under the Ministry of Labour and Social Affairs is to be established. The bill concerning the establishment of the general authority in question has passed a first reading in the National Assembly, and was referred to the Committee on Social and Health Affairs for comments before going to second reading. The structural body of the general authority was set out and will be taken up once the bill is promulgated.

As for the general authority on domestic workers, its role will be complementary to the current one played by the Ministry, including the monitoring of accommodation centres of domestic workers.

Besides the creation of the above-mentioned authority, the Ministry of Labour and Social Affairs has taken other measures to combat the negative aspects of the sponsorship system, through issuing rulings in line with Act No. 6/2010, as well as relevant ministerial decisions, including on domestic workers' salaries and freedom of domestic workers to change their employers.

NGO information:

The sponsorship system remains in place and no firm steps have been taken to abolish this system. The 2010 labour law does not cover migrant domestic workers.

The envisaged general authority, a Government-owned company, has not yet been yet established (as of July 2013), although that should have been achieved by end of 2012.

Committee's evaluation:

[C1]: The recommendation has not yet been implemented, and the State party's reply does not provide any new information with regard to the creation of the general authority. Additional information should be required on the expected timeline for the creation of the authority mentioned in accordance with Act No. 6/2010, and on measures taken by the authority to "eliminate the negative aspects of the sponsorship system" since the adoption of the Committee's concluding observations.

Paragraph 19: The State party should adopt legislation to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. The State party should also guarantee that all other aspects of its law and practice on pretrial detention are harmonized with the requirements of article 9 of the Covenant, including by providing detained persons with immediate access to counsel

and contact with their families.

Follow-up question:

Complementary information was sought by the Committee on the:

- Steps taken to adopt the bill referred to in the State party's follow-up report that amends article 60(2) and 69 of the Code of Criminal Procedure; and
- Measures taken to ensure that everyone arrested or detained on a criminal charge is brought before a judge within 48 hours.

Summary of State party's reply:

The State party did not submit any additional information on the above-mentioned issues.

NGO information:

On 1 July 2013, the Alkarama Foundation stated that the State party had satisfied the recommendation in March 2012 by adopting the Act No. 3/2012 amending Act No. 17/1960 that reduces the period of police custody to 48 hours (new art. 60(2) of the Code of Criminal Procedure), and reduces the period of pretrial detention to 10 days (new art. 69 of the Code of Criminal Procedure). The new amendments appeared to be respected in practice.

In the most recent submission submitted by the Alkarama Foundation on 25 July 2013, Alkarama claims that the changes in legislation may not reflect the facts on the ground and that it is not aware of measures taken to ensure that anyone arrested is brought before a judge within 48 hours.

Committee's evaluation:

[B1]: The State party has made substantial progress in implementing the recommendation contained in paragraph 19, but additional information is required about the application of the new law adopted.

Paragraph 25: The State party should revise the Press and Publication Law and related laws in accordance with the Committee's general comment No. 34 (2011) in order to guarantee all persons the full exercise of their freedoms of opinion and expression. The State party should also protect media pluralism, and should consider decriminalizing defamation.

Follow-up question:

The Committee considered that no information was provided and that the recommendation had therefore not been implemented. Taking into consideration the State party's comment that the issue of restrictions on freedom of expression "does not fall within the purview of the Ministry of the Interior", the Committee recalled paragraph 4 of its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, and thus requested additional information on measures to implement paragraph 25 as a whole.

Summary of State party's reply:

The State party did not submit any additional information on the implementation of paragraph 25.

Kuwait

NGO information:

The State party has not revised the Press and Publications Law; instead it adopted in May 2013 a law on the protection of national unity, which puts further strain on the exercise of the freedom of expression. Moreover in April 2013 a draft law called the unified media law was presented, which further restricts the freedom of expression. In addition, the number of defamation lawsuits against media organizations and individuals has only risen since November 2011.

Committee's evaluation:

[E]: It appears that the exercise of the freedom of expression has become more of a concern since the last review. The State party has not withdrawn from its previous stand that the freedom of expression falls outside the mandate of the Ministry of Interior, with a resulting lack of reply on the implementation of paragraph 25 of the Committee's concluding observations. It further has not provided any information on measures taken to comply with paragraph 25. No additional information to be sought since it is the second time that the State party has ignored the Committee's requests to provide information on the implementation of paragraph 25.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 1 April 2015

104th session (March 2012)

Guatemala

Concluding observations:	CCPR/C/GTM/CO/3, 28 March 2012
Follow-up paragraphs:	7, 21, 22
First reply:	Due 19 April 2013; received 20 June 2013

Paragraph 7: The State party should ensure that the reparations measures adopted under the National Reparations Programme systematically include comprehensive care with cultural and linguistic relevance, with a focus on psychosocial support, restoration of dignity and recovery of historical memory. For that purpose, the State party should establish mechanisms for coordination and partnerships with the sectors specializing in that field, and provide the institutions that help to implement the reparations measures with specialized staff and the necessary resources to carry out their functions throughout the country.

Summary of State party's reply:

The State party reiterated that the National Reparations Programme, established by the National Reconciliation Act, aims to fully compensate victims of the internal armed conflict by providing comprehensive reparations focused on restoration of the dignity of victims. The Programme provides reparation to the victims, which not only includes economic reparations, but also psychosocial care, symbolic reparations, medical assistance, and others.

Guatemala

The Guidelines on Criteria to Implement Reparation Measures covers the following reparation measures: restoration of the dignity of the victims; symbolic reparations; cultural reparation; psychosocial care; rehabilitation; material restitution; and economic reparation.

Committee's evaluation:

[B2]: While the report indicates measures to implement the Committee's recommendation, additional information should be requested on:

(a) The implementation of reparation measures with a focus on restoration of dignity, psychosocial support, rehabilitation and recovery of historical memory;

(b) The number of compensation claims filed in 2012; and

(c) The remedies provided for victims in 2012, disaggregated by type of reparation measures.

Paragraph 21: In order to promote and facilitate the mechanisms for justice, truth and reparation for victims of forced disappearances committed during the armed conflict, the State party should adopt draft act No. 3590 on the establishment of a national commission to investigate the whereabouts of disappeared persons, provide it with the necessary human and material resources and establish a single centralized registry of disappeared persons.

Summary of State party's reply:

The State party reiterated that efforts are continuing to adopt draft act No. 3590. The draft act was reviewed by the Congressional Commission on Public Finance and Currency, which gave a favourable opinion in August 2007. In March 2011, the Commission on Legislative and Constitutional Affairs also gave a favourable opinion.

Since 22 November 2012, some consultations have been carried out with governmental ministries. Currently, the Minister of Culture and Sports is being consulted and four additional ministries remain to be consulted. Following these consultations, the draft act will be discussed in Congress.

Committee's evaluation:

[B2]: Additional measures remain necessary to adopt the draft act No. 3590 on the establishment of a national commission to investigate the whereabouts of disappeared persons. The Committee requests the State party to provide additional information as soon as possible once such measures are being adopted.

Paragraph 22: The State party should publicly acknowledge the contribution of human rights defenders to justice and democracy. It should also take immediate measures to provide effective protection for defenders whose lives and security are endangered by their professional activities and also to support the immediate, effective and impartial investigation of threats, attacks and assassinations of human rights defenders, and to prosecute and punish the perpetrators. The State party should provide the Unit for the Analysis of Attacks against Human Rights Defenders with the human and material resources that it needs to carry out its functions and to ensure the participation at the highest level of State institutions with decision-making power.

Guatemala

Summary of State party's reply:

The State party reiterated its full recognition of the important work carried out by human rights defenders in Guatemala. It firmly denied the existence of campaigns to undermine the initiatives of civil society organizations.

The State party reiterated that, in 2008, the Office for Analysis of Attacks on Human Rights Defenders became operational under ministerial agreement No. 103-2008. Its role is to analyse patterns of attacks on human rights observers and defenders. This agreement served as a basis to develop a national programme for the protection of journalists.

Under the National Programme for the Protection of Journalists, strategies were developed to better coordinate national institutions, with the aim of investigating violations against human rights defenders, recommending technical criteria to determine the risk and vulnerability of human rights defenders and collecting information on the implementation of preventive and protective measures.

The State party plans to establish a cooperation agreement with the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights to strengthen the protection of journalists and social communicators.

The Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH) is the institution responsible for monitoring the security and protective measure requests and lawsuits against Guatemala in the Inter-American System and the United Nations system. The security and protective measures granted to human rights defenders are implemented by the Ministry of Interior, through the national police.

Committee's evaluation:

[D1]: In relation to the request to publicly acknowledge the contribution of human rights defenders to justice and democracy, no information was provided on whether the State party intends to do so. The recommendation has therefore not been implemented and information remains necessary.

[B2]: Concerning the effective protection for human rights defenders, additional information should be requested on (a) investigations, the prosecution of perpetrators and the adoption of provisions for effective protection and remedies to the defenders; (b) measures taken to strengthen the measures for protection of human rights defenders; and (c) measures taken to encourage the presentation of claims before the national protective mechanism by human rights defenders.

[C2]: Concerning the Office for Analysis of Attacks on Human Rights Defenders, the State party does not provide information on (a) human and material resources provided for the Office; and (b) its efforts to ensure the participation at the highest level of State institutions with decision-making power. The recommendation has therefore not been implemented and information remains necessary.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 30 March 2016

Turkmenistan

Concluding observations:	CCPR/C/TKM/CO/1, 28 March 2012
Follow-up paragraphs:	9, 13, 18
First reply:	Due 19 April 2013; received 31 August 2012

NGO information: Joint submission by the Centre for Civil and Political Rights, the Turkmen Initiative for Human Rights (TIHR) and the International Partnership for Human Rights (IPHR).

Note by the Secretariat: The State party provides information on the implementation of most of the Committee's recommendations made in the concluding observations. The analysis takes into account only the information provided on the implementation of the Committee's recommendations made in paragraphs 9, 13 and 18.

Paragraph 9: The Committee recommends that the State party:

(a) Revise its Criminal Code in order to incorporate a definition of torture that is in line with the definition under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Take appropriate measures to put an end to torture by, inter alia, establishing an independent oversight body to carry out independent inspections and investigations in all places of detention of alleged misconduct by law enforcement officials;

(c) Ensure that law enforcement personnel continue to receive training on the prevention of torture and ill-treatment by integrating the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) in all training programmes for law enforcement officials. The State party should also ensure that allegations of torture and ill-treatment are effectively investigated, and that perpetrators are prosecuted and punished with appropriate sanctions, and that the victims receive adequate reparation; and

(d) Allow visits by recognized international humanitarian organizations to all places of detention.

Summary of State party's reply:

On subparagraph (a), there is no language in the Criminal Code of Turkmenistan that explicitly makes torture a punishable offence. The Code does, however, cover the infliction of physical and moral suffering under other offences, inter alia: wilfully causing grievous bodily harm (art. 107) and moderate bodily harm (art. 108); battery (art. 112); causing intolerable suffering (art. 113); abuse of authority (art. 181), exceeding authority (art. 182) and abuse of power or office (art. 358); and others.

On subparagraph (b), the establishment of supervisory commissions is allowing extensive civil surveillance of places and conditions of detention. In accordance with the Presidential Decision of 31 March 2010 approving the regulations governing the supervisory commissions, such commissions have been set up under the Cabinet of Ministers in Ashgabat, the provinces, districts and districts with city status to work with convicted persons and persons under surveillance after release from prison. They monitor the compliance with the law by the penal enforcement services and work with convicts serving sentences and persons released on parole. District and city commissions for minors' affairs also monitor the treatment of juvenile offenders.

On subparagraph (c), training for personnel of internal affairs bodies includes a module on international human rights law and standards. In cooperation with international organizations, in particular the Organization for Security and Co-operation in Europe Centre in Ashgabat, and the S.A. Niyazov Institute, regular seminars, courses and training sessions are run for correctional services personnel on international legal standards governing the treatment of prisoners. Seminars were also carried out on topics such as education, rehabilitation, social reintegration of prisoners and the establishment in the job market of convicts, as well as the treatment of drug addicts in rehabilitation centres.

Under the law, criminal proceedings are to be brought without delay against anyone suspected of torture or ill-treatment; a thorough, impartial investigation must be conducted in conformity with the law governing criminal procedure. Where the evidence emerging from preliminary investigations so warrants, suspects are to be charged and sent for trial. Where there is sufficient evidence of guilt, the court may convict the suspect.

On subparagraph (d), the State party submits that, on 16 July 2011, a delegation of the International Committee of the Red Cross (ICRC) visited the AN-R/4 occupational therapy centre at Ahal province police department. Another ICRC delegation visited Turkmenistan from 5 to 11 April 2012. During the visit, a group of ICRC delegates, including a doctor, undertook a fact-finding trip to Dashoguz on 6 April 2012, and to the police-run MK-K/18 institution for juvenile offenders in Mary province on 7 April.

NGO information:

On subparagraph (a), the Criminal Code of Turkmenistan still does not contain any provisions that specifically define and provide for liability for torture.

On subparagraph (b), there has been no progress in this respect since March 2012, and the authorities have failed to put in place an independent and effective mechanism to monitor prison and detention facilities. Serious restrictions continue to be imposed on access to such facilities.

On subparagraph (c), there are no indications that the Turkmen authorities have taken any effective measures to enhance efforts to investigate and punish torture and ill-treatment. Allegations of torture and ill-treatment are not investigated in an independent and adequate way and perpetrators, as a rule, escape accountability, resulting in widespread impunity for abuse.

On subparagraph (d), while the authorities have organized a few "familiarization" visits for ICRC representatives to selected detention sites, this organization has not been granted unhindered access to all places of detention, which would enable it to carry out thorough, including private, discussions with detainees of its choice and repeat visits as often as deemed necessary. While ICRC has not made public any conclusions from the limited visits carried out in Turkmenistan, an ICRC representative was quoted in media as saying that delegates were not able to hold private meetings with inmates during either visit.[42] No other independent international organizations have been allowed to visit any detention facilities in the country.

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[42] Radio Free Europe/Radio Liberty, "Red Cross Visits Turkmenistan", 10 April 2012. Available from www.rferl.org/content/red_cross_visits_turkmenistan/24543440.html.

Turkmenistan

Committee's evaluation:

[C2]: With regard to subparagraph (a):

(a) There has been no revision of the Criminal Code to incorporate a definition of torture;

[C2]: With regard to subparagraphs (b) and (c):

(b) No measures appear to have been taken since March 2012 to establish an independent oversight body to carry out independent inspections and investigations in all places of detention. While the State party refers to the existence of monitoring and supervisory commissions, no details on the composition, mandate and independence of supervisory commissions have been provided. Furthermore, these commissions appear to have been set up in 2010, i.e., before the adoption of the Committee's concluding observations, and thus their establishment cannot be viewed as a measure implementing the Committee's recommendation to establish an independent oversight body;

(c) Most of the training activities outlined by the State party were conducted before the adoption of the Committee's concluding observations and thus are not relevant. The few other training activities that were envisaged for June and July 2012 do not relate to prevention of torture and ill-treatment. There is no information indicating that the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) has been integrated into all training programmes for law enforcement officials, as recommended by the Committee. No effective measures to enhance efforts to investigate and punish torture and ill-treatment appear to have been taken by the State party. The report lacks statistical information on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated the number of actual criminal convictions, sentences imposed and remedies granted to victims. The Committee therefore reiterates its recommendations.

[B2]: With regard to subparagraph (d), although the report refers to a few visits undertaken by ICRC, this organization has not been granted unhindered access to all places of detention. Additional information should be requested on practical measures taken to allow visits by recognized international humanitarian organizations to all places of detention.

Paragraph 13: The State party should take measures to eradicate corruption by investigating, prosecuting and punishing alleged perpetrators, including judges who may be complicit. The State party should take all necessary measures to safeguard the independence of the judiciary by guaranteeing their tenure of office, and sever the administrative and other ties with the Executive Office.

Summary of State party's reply:

Judges are independent, subject only to the law, and governed by inner conviction. Interference in the work of a judge from any quarter is inadmissible and punishable by law. The inviolability of judges is guaranteed by law (art. 101 of the Constitution). Under the Courts of Law Act of 15 August 2009, judicial power resides solely with the courts. The judiciary operates independently of the legislative and executive branches.

NGO information:

While isolated anti-corruption measures have been taken, there are no indications that the State party has made any systematic efforts (either in the judiciary or elsewhere) to

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investigate corruption allegations and bring perpetrators to justice.

Committee's evaluation:

[C2]: The State party has limited itself to statements that its judiciary is independent and provided no information on the measures taken to implement the Committee's recommendations. The Committee therefore reiterates them.

Paragraph 18: The State party should ensure that journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression in accordance with the Covenant, and also allow international human rights organizations into the country. The State party should ensure that individuals have access to websites and use the Internet without undue restrictions. The Committee, therefore, urges the State party to take all necessary steps to ensure that any restrictions on the exercise of freedom of expression fully comply with the strict requirements of article 19, paragraph 3, of the Covenant as further set out in its general comment No. 34 (2011) on freedoms of opinion and expression.

Summary of State party's reply:

The State party submits that legislation regulating media is being further refined and a working group has been created in the Mejlis to draft a media bill. It also refers to a series of activities staged between 2010 and 2012 focused on the legal regulation of the media in the Commonwealth of Independent States and Europe, including activities as part of a partnership project to modernize the media in Turkmenistan.

The Constitution clearly establishes the grounds for regulating the production and use of new information technologies, thereby strengthening civil rights.

The Internet makes it possible for everyone in the multi-ethnic community of Turkmenistan to access information. Higher, secondary specialized and secondary education institutions have Internet access. In the capital city and the provinces there are Internet cafes for general use. The number of users of online services is increasing each year. The provision of Internet services is regulated by the Communications Act, which was passed on 12 March 2010.

NGO information:

The State party continues to enforce its information monopoly with the help of State-controlled media and anyone who openly challenges government policies remains highly vulnerable to intimidation and harassment. In a well-documented pattern, surveillance, interrogations, "blacklists" for travel abroad, and arrests and imprisonments on politically motivated grounds are used to put pressure on critical voices (examples of recent cases are provided). International human rights NGOs and United Nations human rights mechanisms continue to be denied access to the country.

Only 5 per cent of the population currently has access to the Internet. Costs for Internet access remain a major obstacle and efforts to promote Internet use are lacking. The Internet remains heavily censored, and access is blocked to online content that authorities do not like, including websites that provide alternative information about the situation in the country, such as foreign news sites, NGO sites and sites associated with the exiled opposition. Internet activity, e.g., on online forums, is monitored by security services.

Freedom of expression continues to be restricted in ways that are not consistent with the provisions of the Covenant.

Turkmenistan

Committee's evaluation:

[C1]: The State party reply does not respond to the concerns raised by the Committee nor provide information on the implementation of its recommendations. While the drafting of a media bill is a positive development, no information is provided on the measures taken to ensure that:

(a) Journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression;

(b) International human rights organizations are allowed access into the country;

(c) Individuals have access to websites and use the Internet without undue restrictions; and

(d) Any restrictions on the exercise of freedom of expression fully comply with the strict requirements of article 19, paragraph 3, of the Covenant. Therefore, the Committee reiterates its recommendations.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 30 March 2015

B. Follow-up report adopted by the Committee during its 110th session

274. The report sets out the information received by the Special Rapporteur for follow-up on concluding observations between the 109th and 110th sessions, and the analyses and decisions adopted by the Committee during its 110th session. All the available information concerning the follow-up procedure used by the Committee since its eighty-seventh session, held in July 2006, is outlined in the table below.

Assessment of replies	
Reply/action satisfactory	
A	Response largely satisfactory
Reply/action partially satisfactory	
B1	Substantive action taken, but additional information required
B2	Initial action taken, but additional information and measures required
Reply/action not satisfactory	
C1	Response received but actions taken do not implement the recommendation
C2	Response received but not relevant to the recommendations
No cooperation with the Committee	
D1	No response received within the deadline, or no reply to a specific question in the report

Assessment of replies	
D2	No response received after reminder(s)
The measures taken are contrary to the Committee's recommendations	
E	The response indicates that the measures taken are contrary to the Committee's recommendations

Ninety-sixth session (July 2009)

The Netherlands

Concluding observations:	CCPR/C/NLD/CO/4, 28 July 2009
Follow-up paragraphs:	7, 9 and 23
First reply:	Due 28 July 2010; received 16 September 2011
Committee's evaluation:	Additional information required on paragraphs 7 **[C1]**, 9 **[B2]** and 23 **[B2]**
Second reply:	Reply to the Committee's letter of 24 May 2013; received 31 July 2013

Paragraph 7: The Committee reiterates its previous recommendations in this regard [on euthanasia and assisted suicide, CCPR/CO/72/NET, para. 5] and urges that this legislation be reviewed in light of the Covenant's recognition of the right to life.

Follow-up question:

The Committee considered that the recommendation in paragraph 7 has not been implemented.

Summary of State party's reply:

No information was provided on the implementation of paragraph 7.

Committee's evaluation:

[D1]: There is no evidence of any review of the legislation subsequent to the Committee's recommendations. Therefore, the Committee reiterates its recommendation.

Paragraph 9: The State party should ensure that the procedure for processing asylum applications enables a thorough and adequate assessment by allowing a period of time adequate for the presentation of evidence. The State party must, in all cases, ensure respect for the principle of non-refoulement.

Follow-up question:

Additional information was requested on the following issues:

(a) The measures taken to ensure that asylum seekers are given the opportunity to adequately substantiate their claims through the presentation of evidence;

(b) The number of asylum applications made and the number rejected on the basis of the application of the principle of "non-refoulement" in the last five years.

The Netherlands

Summary of State party's reply:

A new eight-day procedure replaced the previous 48-hour procedure on 1 July 2010. Regarding the measures taken to ensure that asylum seekers are given the opportunity to adequately substantiate their claims, the introduction of a period of rest and preparation preceding the general asylum procedure allows asylum seekers more time than they previously had to gather and submit relevant information to substantiate their asylum applications. During this period, asylum seekers consult with their legal adviser and with the Dutch Refugee Council. Asylum seekers have access to email, phone, fax and other means to gather information to help them substantiate their claims. During the second interview in the procedure, the asylum seekers have ample opportunity to put forward their claims and any relevant evidence. Even evidence that the asylum seekers gather after a denial of his/her application will be taken into account during an appeal against the denial.

The number of asylum applications made in the last five years are (rounded up/down): 2007: 9,730; 2008: 15,280; 2009: 16,170; 2010: 15,150; 2011: over 14,500. The numbers of asylum applications that have been granted in first instance in the last five years are: 2007: 52 per cent; 2008: 48 per cent; 2009: 44 per cent; 2010: 44 per cent; 2011: 44 per cent.

Committee's evaluation:

[B1]: The State party has made substantial progress in implementing the recommendation contained in paragraph 9, but additional information is required on the duration of the period of rest and preparation.

Paragraph 23: The State party should ensure as a matter of urgency that conditions in places of detention are improved to meet the standard set out in article 10, paragraph 1.

Follow-up question:

Additional information was requested on the following issues:

(a) The implementation status and schedule for the follow-up project to the "Schoonmaken Terreinen"; the overhaul of the sanitary system, and the provision of a daily programme of activities in the Bon Futuro Prison; and the provision of education for adults and young offenders in the Bonaire Remand Prison;

(b) Updated information on the progress made for the implementation of the described measures in the Bon Futuro Prison and the Bonaire Remand Prison, and the evaluation of these measures.

Summary of State party's reply:

In the Bonaire Remand Prison, daily activities are provided and the first steps have been taken towards providing education for adults and young offenders, initially through a two-year pilot.

In the Sentro di Detenshon i Korekshon Korsou (SDKK, previously Bon Futuro Prison), the "Schoonmaken Terreinen" project has been completed.

After 13 September 2011, the prison limited all inmate activities as a result of security measures taken following an incident in which two inmates were shot by a third inmate.

The Netherlands

As a result, there were fewer activities for inmates outside their own cellblock. The new security measures have recently been evaluated, and it has been decided to gradually reintroduce activities, albeit in a different form and setting. The main difference between the new activities and the old activities will be that inmates from different cellblocks will not be allowed to interact with each other. The express purpose is to prevent incidents involving inmates.

Concerning the progress made for the implementation of the described measures in the SDKK, the changes which have been and continue to be implemented are aimed at improving the inmates' safety, hygiene and detention conditions. A framework of conditions needs to be in place to accomplish these goals, improve inmates' actual detention conditions and comply with international standards. The SDKK is ensuring that this framework is put in place. These include renovating sanitation facilities (toilets and showers) in the cellblocks, doing everything possible to ensure that food is properly prepared and goes out on time, improving the solitary confinement wing, and providing a new building where the inmates can work. Only the Waterprojects have not been finalized. The SDKK aims at finalizing all these projects by December 2014, and is working closely with a team of Dutch specialists in order to achieve this goal. The Ministries of Justice in the Netherlands and Curaçao share responsibility for implementing and monitoring the plan. The approach, planning and work in progress are subject to regular evaluation by both Ministries and the SDKK.

Committee's evaluation:

[B2]: Additional information should be requested on:

(a) The progress realized by the State party to provide education for adults and young offenders in the Bonaire Remand Prison;

(b) The progress on the overhaul of the sanitary system in the Sentro di Detenshon i Korekshon Korsou, which is scheduled to be completed in 2014.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be provided by the State party in its next periodic report.

Next periodic report: 31 July 2014

Ninety-eighth session (March 2010)

Argentina

Concluding observations:	CCPR/C/ARG/CO/4, 23 March 2010
Follow-up paragraphs:	17, 18 and 25
First reply:	Due 4 November 2010; received on 24 May 2011
Committee's evaluation:	Additional information required on paragraphs 17 **[B2]**, 18 **[B2]** and 25 **[B2]**
Second reply	Reply to the letter from the Committee dated 24 May 2013; received on 7 August 2013, 15 August 2013 and 16 October 2013

Argentina

Paragraph 17: The State party should adopt effective measures to put an end to prison overcrowding and ensuring compliance with the requirements set out in article 10. In particular, the State party should take measures to comply with the Standard Minimum Rules for the Treatment of Prisoners. The practice of keeping accused persons at police stations should be halted. The functions of the Procurator of Prisons should cover the entire country. The State party should also take measures to guarantee that all occurrences of injury and death in prisons and detention centres are duly investigated and to ensure compliance with court orders mandating the closure of some of these centre

Follow-up question:

The Committee requested the State party to provide the following information:

(a) Up-to-date information on any developments relating to prison overcrowding and to steps to ensure compliance with article 10 of the Covenant and with the Standard Minimum Rules for the Treatment of Prisoners. In particular, the State party should be invited to apprise the Committee of the number of cells in each federal and provincial prison, their size and the exact number of persons held in each cell;

(b) Enforcement of court orders mandating the closure of some prisons and detention centres;

(c) Legal obligations concerning prisoners' access to the services of lawyers and doctors;

(d) Mandatory audiovisual recording of the period during which a person is held in police custody; and

(e) The enforcement of these requirements.

Summary of State party's reply:

On the prison overcrowding issue, the number of persons deprived of liberty in the Province of Buenos Aires has decreased in recent years. For instance, in 2010 a total of 30,400 persons were deprived of liberty in the State party; this number has decreased to 28,895 persons in 2012. In addition, since 2010, a total of 2,448 new places were created in the detention system.

To reduce the number of persons in pretrial detention, the State party referred to Resolution 1587 (17 June 2008) of the Ministry of Justice, which regulates home detention and electronic monitoring, in accordance with article 10 of the Penal Code and Law 24,660. In addition, Law 14,296 of 25 August 2011, which amended the Law on Penal Execution, had the impact of reducing the number of persons deprived of liberty in the State party.

Concerning prisoners' access to medical services, the Training Department of the Directorate of Health Care of the Prison Service launched guidelines on cases of traumas, reflecting the recommendations of the Istanbul Protocol. The guidelines were distributed to all Medical Units. The Directorate also organized a number of trainings for doctors, in which members of the judiciary also participated.

No information was provided on the additional questions.

Argentina

Committee's evaluation:

[B2]: On the prison overcrowding issue, updated information should be provided on the impact of measures taken to reduce prison overcrowding: in particular, the State party should provide updated data on the number of cells in each federal and provincial prison, their size and exact number of persons held in each cell.

[D1]: No information has been provided on:

(a) The enforcement of court orders mandating the closure of some prisons and detention centres;

(b) Legal obligations concerning prisoners' access to the services of lawyers;

(c) Mandatory audiovisual recording of the period during which a person is held in police custody;

(d) The enforcement of these requirements.

The recommendation has therefore not been implemented and information remains necessary.

Paragraph 18: The State party should take immediate and effective measures against such practices. It should monitor, investigate and, where appropriate, prosecute and punish law enforcement officers responsible for acts of torture and should compensate the victims. The legal characterization of the facts must take into account their seriousness and relevant international standards.

Follow-up question:

The Committee requested the State party to provide the following information:

(a) The State party should be requested to provide a copy of decree 168 together with information on the "political authority" referred to therein, which, according to the information sent in the follow-up report, centralizes the powers of investigation and disciplinary action with respect to cases of violent death, torture, cruel or inhuman treatment, or any other form of abuse. What are the powers of this authority? In how many cases has it taken action? What were the results of its intervention?

(b) The Committee should request the State party to provide a summary of the information held in the databases of the Supreme Court of the Province of Buenos Aires, the Public Prosecutor's Office and the Defensoría Pública (Public Defender's Office) on cases of torture and other cruel, inhuman or degrading treatment or punishment;

(c) The Committee should request information on progress made with respect to the adoption of draft legislation for the establishment of an independent national mechanism for the prevention of torture, as provided for in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee should also request the State party to provide information on progress made on the corresponding regional bills.

Summary of State party's reply:

The State party informed the Committee that, according to Resolution 1481/13 of 14 May 2013, solitary confinement is now employed as an exceptional measure, with time limits and guarantees. In addition, decisions to transfer detainees are now regulated and have to be immediately communicated to the judge and to the detainee (according to Resolution 1938 of 16 October 2010, Law 14,296 of 25 August 2011 and Resolution 1268 of 26 April 2013).

Resolution 114/13 established a new curriculum for the training of prison officials.

(a) The State party has provided a copy of Decree 168/11. Article 1 of the mentioned Decree states that the Directorate of Inspection and Control of the Undersecretary of Criminal Policy and Judicial Investigations of the Ministry of Justice and Security of the Province of Buenos Aires is in charge of preparing, processing and deciding all administrative proceedings on potential cases of corruption, torture, harassment, coercion and others, which constitute gross misconduct by the Penitentiary Service.

Recently, a Decree issued on 5 March 2013, enlarged the powers of the Directorate of Inspection and Control and adopted new procedural principles. The right to be heard, to produce evidence and to have an impartial decision in administrative proceedings is central to the new Decree. Since the Decree has entered into force, important decisions have been issued on torture, ill treatment and others. The State party referred to three cases.

In addition, on 16 October 2012, an Inter-Ministerial Commission to Prevent Torture and other Inhuman Treatment was established within the Human Rights Secretary of the Province of Buenos Aires. The Commission aims to design, coordinate and promote action and policies to prevent and prohibit torture and other cruel, inhuman or degrading treatment or punishment.

(b) No information was provided on this issue;

(c) In November 2012, the Chamber of Deputies approved a bill to establish an independent national mechanism for the prevention of torture.

Committee's evaluation:

[B2]: While the report indicates measures to implement the Committee's recommendation, additional information should be provided on:

(a) The number of cases the Directorate of Inspection and Control (Dirección de Inspección y Control dependiente de la Subsecretaría de la Política Criminal) has taken action? What were the results of its intervention?

(b) The number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated the number of criminal convictions, sentences imposed and remedies granted to victims.

Paragraph 25: The State party should adopt such measures as are necessary to put an end to evictions and safeguard the communal property of indigenous peoples as appropriate. In this connection, the State party should redouble its efforts to implement the programme providing for a legal cadastral survey of indigenous community property. The State party should also investigate and punish those responsible for the above-mentioned acts of violence.

Argentina

Follow-up question:

Additional information was requested on the following issues:

(a) Existing plans concerning the eviction of indigenous communities at the end of the scheduled four-year suspension of such measures under Act No. 26/160;

(b) Measures taken against government officials who have acted in violation of Act No. 26/160 during the past five years.

No information has been received about efforts to implement the programme under which a legal cadastral survey of indigenous communities' lands is to be conducted or about the investigation of acts of violence or the punishment of those responsible for them. The relevant recommendation has therefore not been implemented (para. 25).

Summary of State party's reply:

In November 2009, Act No. 26,160, on possession and ownership of lands traditionally occupied, was extended by Act. No. 26,554, until 23 November 2013. The executive power is currently evaluating a bill aiming to extend the said laws and to carry out a technical, legal and cadastral survey.

The State party clarified that some evictions are due to the fact that communities were unable to fulfil the requirements established in Act No. 26,160.

The National Institute of Indigenous Affairs, through relevant programmes, guarantees indigenous communities access to justice providing them with the necessary resources and legal aid, which can also be used to file lawsuits against officials who violate the application of the existing legal framework.

Committee's evaluation:

[B2]: Additional information remains necessary on:

(a) Measures taken against government officials who have acted in violation of Act No. 26,160 during the past five years;

(b) Actions taken to ensure the prompt and impartial investigation of acts of violence and intimidation against indigenous peoples that occurred during forced evictions;

(c) Progress to adopt the bill aiming to extend Act No. 26,160 and Act. No. 26,554 and information on the technical, legal and cadastral survey.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested will be included in the list of issues prior to reporting.

Next periodic report: 30 March 2014

Ninety-ninth session (July 2010)

Estonia

Concluding observations:	CCPR/C/EST/CO/3, 27 July 2010
Follow-up paragraphs:	5 and 6
First reply:	Due 27 July 2011; received 10 August 2011
Committee's evaluation:	Additional information required on paragraphs 5 **[B2]** and 6 **[B2]**
Second reply:	Reply to the Committee's letter of 29 November 2011; received 20 January 2012
Committee's evaluation:	Additional information required on paragraphs 5 **[B2]** and 6 **[B2]**
Third reply:	Reply to the Committee's letter of 24 May 2013; received 30 July 2013

Paragraph 5: The State party should either provide the Chancellor of Justice with a broader mandate to more fully promote and protect all human rights or achieve that aim by some other means, in full compliance with the Paris Principles, and take into account in this regard the requirements for the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Follow-up question:

Updated information is necessary on the decisions taken, when made, to establish a national human rights institution.

Summary of State party's reply:

The State party has not provided information on the implementation of paragraph 5.

Committee's evaluation:

[D1]: No information was provided on the implementation of paragraph 5. The Committee reiterates its recommendation.

Paragraph 6: The State party should take appropriate measures to:

(a) Ensure the effective application of the Gender Equality Act and the Equal Treatment Act, especially with regard to the principle of equal pay for equal work between men and women;

(b) Carry out awareness-raising campaigns to eliminate gender stereotypes in the labour market and among the population;

(c) Ensure the effectiveness of the system of complaints filed before the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner by clarifying their respective roles;

(d) Reinforce the effectiveness of the Office of the Gender Equality and Equal Treatment Commissioner by providing it with sufficient human and financial

Estonia

resources; and

(e) Set up the Gender Equality Council, as foreseen by the Gender Equality Act.

Follow-up question:

Updated information is necessary on the status of the application for the programme to be financed by the Norwegian Financial Mechanism, and on the outcome of the negotiations by the Ministry of Social Affairs on the creation of the Gender Equality Council, once finalized.

Summary of State party's reply:

On 30 October 2012, Norway approved the programme in the framework of gender equality and reconciliation of work and family life financed by the Norwegian Financial Mechanism 2009–2014. The amount of 700,000 Euros will be directed to a project implemented by the Gender Equality and Equal Treatment Commissioner.

In order to implement the activities planned by the Commissioner, additional staff members, including a specialist on gender equality, a senior lawyer, a project coordinator, a lawyer, a media advisor and a secretary were hired. The project started on 25 March 2013 and will last until the end of 2015.

The Ministry of Social Affairs is planning to finalize the negotiations on the creation of the Gender Equality Council in 2013.

Committee's evaluation:

[B2]: Additional information remains necessary on the project financed by Norway and its impact. The State party should also provide information on the outcome of the negotiations on the creation of the Gender Equality Council.

Recommended action: Given the submission of the State party's third reply, a letter should be sent informing the State party of the discontinuation of the follow-up procedure (as per CCPR/C/108/2, para. 26). The information requested should be provided by the State party in its next periodic report.

Next periodic report: 30 July 2015

103rd session (October–November 2011)

Norway

Concluding observations:	CCPR/C/NOR/CO/6, 2 November 2011
Follow-up paragraphs:	5, 10, and 12
First reply:	Due 2 November 2012; received 19 November 2012
Committee's evaluation:	Additional information required on paragraphs 5 **[B2]**, 10 **[B2]** and 12 **[B2]**

Norway

Second reply Reply to the Committee's letter of 3 April 2013; received 27 June 2013

Paragraph 5: The State party should ensure that the current restructuring of the national human rights institution effectively transform it, with the view to conferring on it a broad mandate in human rights matters. In this regard, the State party should ensure that the new institution will be fully compliant with the Paris Principles.

Follow-up question:

Additional information remains necessary on:

(a) The decision made by the interministerial group on the shape of the new national human rights institution;

(b) The precise mandate, objectives, activities and monitoring mechanisms of the new institution.

Summary of State party's reply:

No decision on the format of the new national human rights institution, its precise mandate, objectives, activities and monitoring mechanisms has yet been taken. The Ministry of Foreign Affairs has, with the assistance of an interministerial working group, reviewed possible changes to the national human rights institution and produced a consultation document that outlines several options in this regard. The document has been circulated for general review to relevant organizations and NGOs with a deadline for responses of 17 September 2013. The decision on the shape and mandate of the new national institution will be based on this process.

Committee's evaluation:

[B2]: The Committee welcomes the consultation process with organisations and NGOs for the establishment of the new national human rights institution, but requires additional information on:

(a) The results of the consultation process carried out by the Ministry of Foreign Affairs with organizations and NGOs;

(b) The decision made by the Ministry of Foreign Affairs on what shape the new national human rights institution will take; and

(c) The precise mandate, objectives, activities, and monitoring mechanisms of the new institution.

Paragraph 10: The State party should take concrete steps to put an end to the unjustified use of coercive force and restraint of psychiatric patients. In this regard, the State party should ensure that any decision to use coercive force and restraint should be made after a thorough and professional medical assessment that determines the amount of coercive force or restraint to be applied to a patient. Furthermore, the State party should strengthen its monitoring and reporting system of mental health-care institutions so as to prevent abuses.

Norway

Follow-up question:

Additional action is required:

(a) To reduce the use of force against mental health patients;

(b) To strengthen the monitoring and reporting system in mental health-care institutions.

Data is required on the use of coercive force, including electroconvulsive treatment, in the mental healthcare system.

Summary of State party's reply:

The State party refers to the national strategy for increased voluntariness in the mental health services (2012–2015), which is the Government's answer to the main challenges in this area: to reduce coercion (both forced admissions, means of coercion and forced treatment/medication), to reduce the geographical differences in the use of coercion and to make sure that every coercive decision is reported properly in the national database.

An important dimension of the strategy is that it introduces a broad set of measures placing all levels of the sector under obligation. It is also part of these efforts that the Ministry of Health and Care Services has set a goal for hospitals to reduce the amount of forced admissions and treatment by 5 per cent in 2013.

The Ministry of Health and Care Services considers these ongoing measures to be an adequate current response to the challenges pointed out by the Committee while bearing in mind that it remains to be seen what the effects of the strategy on the use of force in Norwegian mental health institutions will be.

Concerning the data on the use of coercive force in the mental health care, in 2011 approximately 5,600 persons were admitted to mental health hospitals by force, out of a total of 8,300. The amount of forced admissions varies significantly between hospitals and regions. There is no certain knowledge about what causes the variations, but a reasonable explanation could be a possible varying distribution of illnesses in the population across the country and different ways of organizing and practicing mental health treatment.

Norwegian law does not allow electroconvulsive treatment (ECT) without the patient's consent. The only, narrow exception is when ECT is regarded necessary for a lifesaving purpose. National professional guidelines for the use of ECT are expected to be issued in 2014. As of today there are no national statistics on the use of ECT. It is planned that a register for such use will be implemented in 2014.

Committee's evaluation:

[B1]: While the Committee welcomes the measures taken in the framework of the national strategy for increased voluntariness in the mental health services (2012–2015), it requires additional information on:

(a) The impact of the national strategy to end the unjustified use of coercive force and restraint of psychiatric patients;

(b) The measures foreseen in the national strategy to strengthen the monitoring and reporting system in mental health-care institutions and its impact;

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(c) The procedure preceding the use of coercive force and restraint and on steps taken to ensure that such decisions are based on a thorough and professional medical assessment;

(d) The progress on the implementation of the national professional guidelines for the use of the electroconvulsive treatment and the establishment of a register for such use.

Paragraph 12: The State party should strictly limit the pretrial detention of juveniles and, to the extent possible, adopt alternative measures to pretrial detention.

Follow-up question:

Additional information is required on:

(a) The precise criteria for "unconditional necessity" of pretrial detention of children;

(b) The measures taken to ensure that children are systematically held separately from adults.

Summary of State party's reply:

The introduction of the criteria "unconditional necessity" is meant to clearly limit the use of both police custody and pretrial detention of children. The preparatory work of the Criminal Procedure Act states that in certain circumstances police custody and pretrial detention of children are considered justified; however the threshold for its use is very high. This will depend on the needs of the criminal investigation, both to prevent the suspect from tampering with evidence or evading prosecution, to prevent suspects harming themselves or committing other criminal acts. It is specified explicitly that it is an absolute requirement that no other practical or alternative exists.

Section 185 of the Criminal Procedure Code states that if the court decides to remand the person charged in custody, it shall at the same time fix a specific time limit for such custody if the main hearing of the case has not already begun. If the person charged is a child, the time limit shall be as short as possible and not exceed two weeks, which can be extended by the court's order by up to two weeks at a time.

On measures taken to ensure that children are systematically held separately from adults, the State party referred to its reservation to article 10, paragraphs 2 (b) and 3 of the Covenant.

Committee's evaluation:

[A]: The Committee considers the State party's response largely satisfactory.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 2 November 2016

105th session (July 2012)

Armenia

Concluding observations:	CCPR/C/ARM/CO/2, 25 July 2012
Follow-up paragraphs:	12, 14 and 21
First reply:	Due 24 July 2013; received 8 August 2013

NGO information: Helsinki Citizens' Assembly – Vanadzor

Paragraph 12: The State party should establish effective investigative procedures to ensure that law enforcement officers found responsible for excessive use of force during the 1 March 2008 events, including those with command responsibility, are held accountable and appropriately sanctioned. The State party should also guarantee that victims of these acts receive adequate compensation, and that they have access to adequate medical and psychological rehabilitation.

Summary of State party's reply:

On 1 and 2 March 2008, a criminal case was instituted to investigate the events that took place between 1 and 2 March 2008 in Yerevan. For the purpose of clarifying the circumstances of death of the 10 people, an extensive investigation was carried out. The investigation findings have always been made available to the public through mass media.

The preliminary investigation conducted with regard to the criminal cases found that both during the events and in the course of prevention of "mass disorders", weapons of various types including "KS-23" type carbines were used both by the participants of the demonstration and the military. Concerning the gas grenade used in the events, an expert examination concluded it was impossible to identify the weapons from which they had been fired.

Four "non-commissioned officers" of the Police Troops were charged with breaching the rules of handling weapons, as a result thereof negligently causing the death of three people and bodily injuries of different severities to another three people.

The President of the Republic of Armenia gave instructions to accelerate the investigations. In this regard, a conference was convened at the Special Investigation Service and new actions were planned. The investigation group was recruited with new investigators. The preliminary investigation is pending.

NGO information:

No progress made by the State party. The Special Investigation Service, which investigated the excessive use of force and the murder of at least 10 people on 1 March 2008, released a report in December 2011. Since then no further action was taken, despite requests made by the civil society organizations.

Committee's evaluation:

[C1]: The State party referred to investigations which had been undertaken long before the adoption of the Committee's concluding observations on Armenia. It did not refer to any measures taken since the adoption of the Concluding observations. In addition, the Committee regrets that no information was provided on measures taken to compensate the victims and to provide them with adequate medical and psychological rehabilitation. Additional information should be requested on:

Armenia

(a) Measures taken after the adoption of the concluding observations on Armenia, on 25 July 2012;

(b) The sanctions imposed on those responsible for excessive use of force during the 1 March 2008 events;

(c) Measures taken to guarantee that victims of the events of 1 March 2008 receive adequate compensation and that they have access to adequate medical and psychological rehabilitation.

Paragraph 14: The State party should establish an independent system for receiving and processing complaints regarding torture or ill-treatment in all places of deprivation of liberty, and should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and punished in a manner commensurate with its gravity.

Summary of State party's reply:

"The Action Plan depriving from the National Strategy for the Protection of Human Rights" was submitted for consideration on 20 June 2013. Paragraph 36 of the Action Plan envisages the establishment of an independent mechanism for receiving and processing complaints regarding torture and ill-treatment in places of imprisonment. As a result, recommendations will be made to the government by the Ministry of Justice by 2014.

NGO information:

No progress made by the State party. The Ombudsman's office which serves as a national preventive mechanism only receives and studies complaints but does not conduct investigations. Furthermore, the Ombudsman's office was obliged to reduce its activities due to lack of funds.

No prosecution in the recent cases of torture or ill-treatment.

Committee's evaluation:

[C1]: The Committee welcomes the actions taken to establish an independent mechanism for receiving and processing complaints regarding torture or ill-treatment in places of deprivation of liberty, but considers that the recommendation has not yet been implemented. The Committee requests additional information on when the State party expects to have the independent mechanism established. The Committee reiterates its recommendation.

Paragraph 21: The State party should amend its domestic legal provisions in order to ensure the independence of the judiciary from the executive and legislative branch and consider establishing, in addition to the collegiate corpus of judges, an independent body responsible for the appointment and promotion of judges, as well as for the application of disciplinary regulations.

Summary of State party's reply:

Annex I of the 2012–2016 Strategic Programme for Legal and Judicial Reforms in the Republic of Armenia provides for the necessity of:

Armenia

- Improving the procedure for a qualification test for inclusion in the list of candidacies for judges;
- Introducing objective criteria and procedures for the performance evaluation and promotion of judges;
- Introducing a more effective model of self-governance for judges;
- Reforming the procedures and grounds for subjecting a judge to disciplinary liability through guaranteeing objectiveness, fairness, efficiency and publicity of the disciplinary proceedings and so on.

The State party referred to articles 94, 95 and 97 the Constitution and article 11 of the Judicial Code.

NGO information:

No progress related to the amendment of the law to ensure the independence of the judiciary despite the adoption of the 2012–2016 Strategic Programme for Legal and Judicial Reforms.

Committee's evaluation:

[C1]: While the Committee welcomes the 2012–2016 Strategic Programme for Legal and Judicial Reforms in the Republic of Armenia, it considers that the actions taken do not implement the recommendation to amend its domestic law to ensure the independence of the judiciary. The Committee reiterates its recommendation.

Recommended action:

A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 27 July 2016

105th session (July 2012)

Lithuania

Concluding observations:	CCPR/C/LTU/CO/3, 24 July 2012
Follow-up paragraphs:	8, 9 and 12
First reply:	Due 24 July 2013; received on 31 July 2013

Paragraph 8: The State party should take all necessary measures to ensure that its legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their sexual orientation or gender identity. The State party should implement broad awareness-raising campaigns, as well as trainings for law enforcement officials, to counter negative sentiments against LGBT individuals. It should consider adopting a targeted national action plan on the issue. The Committee, finally, recalls the obligation of the State party to guarantee all human rights of such individuals, including the right to freedom of expression and the right to freedom of assembly.

Lithuania

Summary of State party's reply:

The State party has been conducting a number of measures for the implementation of a non-discrimination policy, such as the Inter-Institutional Action Plan for the Promotion of Non-discrimination 2012–2014 and projects of the PROGRESS programme, together with non-governmental organizations.

The purpose of the Inter-Institutional Action Plan is to ensure the implementation of educational measures for the promotion of non-discrimination and equal opportunities, increase legal awareness, reciprocal understanding and tolerance, and inform the society about manifestations of discrimination in the State party and its negative impact on the possibilities of certain groups of society to actively participate in the activities of society under equal conditions. Measures carried out in the framework of the Inter-institutional Action Plan include trainings and seminars for prosecutors, public servants, representatives of trade unions and other target groups on matters of equal opportunities and non-discrimination.

Regarding sex change, the right to change one's sex is provided for in the Civil Code. On 20 July 2012, a package of draft laws aimed at simplifying the procedure to change sex was submitted. The current law already provides for the main terms for the implementation of the right to change one's sex.

Committee's evaluation:

[B2]: While the Committee welcomes the adoption of the Inter-Institutional Action Plan for the Promotion of Non-discrimination 2012–2014, it requires further information on:

(a) Specific measures taken to ensure that national legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their sexual orientation or gender identity;

(b) Specific trainings carried out to counter negative sentiments against LGBT individuals and its frequency; and

(c) Awareness-raising campaigns on LGBT issues.

Please also provide further information on measures taken to address the Committee's recommendation in the framework of the PROGRESS programme.

Paragraph 9: The State party should ensure an effective investigation into allegations of its complicity in human rights violations as a result of counter-terrorism measures. The Committee urges the State party to continue the investigations on the matter and to bring perpetrators to justice.

Summary of State party's reply:

The State party repeats its previous reply (CCPR/C/LTU/Q/3/Add.1, para. 39) on the pretrial investigation in criminal case No. 01-2-00016-10 regarding the possible transportation and imprisonment on the territory of persons detained by the Central Intelligence Agency of the United States of America, which was terminated on 14 January 2011, after finding that no criminal offence was committed.

The State party has not received any well-grounded or valuable information or data which could constitute a basis for the renewal of the pretrial investigation.

Lithuania

Committee's evaluation:

[C2]: The State party repeats its previous reply and provided no information on the measures taken to implement the Committee's recommendations. The Committee therefore reiterates them.

Paragraph 12: The Committee reiterates its earlier recommendation (CCPR/CO/80/LTU, para. 13) that the State party eliminate the institution of detention for administrative offences from its system of law enforcement. The State party should also take appropriate measures to implement alternatives to imprisonment as sentence, including probation, mediation, community service and suspended sentences.

Summary of State party's reply:

Regarding administrative detention, on 19 September 2011, a draft Code of Administrative Offences was submitted to the Parliament. In the draft Code there is a proposal not to apply any longer, as an administrative penalty, administrative detention and removal from office.

Regarding alternatives to imprisonment, the State party referred to the Law on Probation (effective since 1 July 2012), which provides conditions to promote more frequent application of alternative sanctions. The Parliament also adopted amendments to the Criminal Code, the Criminal Procedure Code and the Penal Code, which provides for more lenient conditions for the suspension of the implementation of a sentence.

The conditions of and the procedure for release on parole from correction institutions have been amended substantially. Convicts who committed minor criminal acts may be released on parole from a correction institution sooner.

Even though a new procedure for release on parole from correction institutions became effective only on 1 July 2012, positive results with regard to the application of release on parole have already been observed: during the second half of 2012, 689 convicts were released on parole, which is 35 per cent more than during the first half of 2012 and 27 per cent more than during the second half of 2011. In total, in 2012, 1,198 convicts were released on parole, i.e. 7 per cent more than in 2011.

Committee's evaluation:

[C1]: Regarding administrative detention, the recommendation has not yet been implemented. The Committee reiterates it.

[B2]: With regard to alternative measures to imprisonment, the Committee welcomes the recent increase in the number of persons released on parole, but requires additional information on:

(a) The number of persons convicted for administrative offences released on parole in the last three years;

(b) Measures in place to guarantee the use of alternatives to imprisonment;

(c) The criteria for eligibility for the different forms of alternatives to imprisonment.

Lithuania

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 27 July 2017

106th session (October and November 2012)

Bosnia and Herzegovina

Concluding observations:	CCPR/C/BIH/CO/2, 31 October 2012
Follow-up paragraphs:	6, 7, and 12
First reply:	Due 31 October 2013; received 15 November 2013

NGO information: TRIAL

Paragraph 6: The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 8) that the State party should adopt an electoral system that guarantees equal enjoyment of the rights of all citizens under article 25 of the Covenant, irrespective of ethnicity. In this regard, the Committee recommends that the State party, as a matter of urgency, amend its Constitution and Election Law to remove provisions that discriminate against citizens from certain ethnic groups by preventing them from participating in elections.

Summary of State party's reply:

With the aim of introducing the relevant constitutional and legislative amendments, the Council of Ministers adopted an Action Plan on 4 March 2010, and appointed a Working Group to draft the amendments. Despite these efforts, no agreement was reached on the proposed constitutional amendments.

Committee's evaluation:

[C2]: The State party repeated the arguments made in its periodic report submitted on 17 November 2010, before the adoption of the Committee's concluding observations of 31 October 2012 (CCPR/C/BIH/CO/2). The Committee therefore reiterates its recommendation.

Paragraph 7: The State party should expedite the prosecution of war crime cases. The State party should also continue to provide adequate psychological support to victims of sexual violence, particularly during the conduct of trials. Furthermore, the State party should ensure that the judiciary in all entities strongly pursues efforts aimed at harmonizing jurisprudence on war crimes and that charges for war crimes are not brought under the archaic Criminal Code of the former Socialist Federal Republic of Yugoslavia, which does not recognize certain offences as crimes against humanity.

Summary of State party's reply:

The High Judicial and Prosecutorial Council, together with the courts and prosecutor's offices, developed a plan for processing of war crime cases and appropriate instructions covering witness support and protection measures. Nevertheless, the funding for the implementation of these measures is yet to be secured.

Bosnia and Herzegovina

(a) With respect to the need to expedite the prosecution of war crime cases, the Council of Ministers has approved the increase in the number of prosecutors in the Prosecutor's Office and three positions were advertised.

Brčko District is making significant efforts to expedite the processing of war crime cases, and to that end a Memorandum of Understanding between the United Nations Development Programme and judicial bodies of the Brčko District was prepared. The Memorandum defines the basis for the implementation of the project component entitled "Establishment of a Witness and Victim Support System in Brčko District BiH and Mostar".

(b) Concerning the need to provide adequate psychological support to victims of sexual violence, the Police of Brčko District has employed a psychologist. Since 2010, there were improvements to protect victims of sexual violence in the course of criminal proceedings. Victims have the support of psychologist; and vulnerable witness and witnesses under threat have the support of officers.

(c) With respect to efforts aimed at harmonizing jurisprudence on war crimes, the Supervisory Body has organized several meetings with judicial bodies. In addition an international conference on "Case Law in the Application of Criminal and Substantive Legislation in the War Crime Cases in Bosnia and Herzegovina and the Region" was organized.

The Criminal Code of the former Socialist Federal Republic of Yugoslavia should be viewed in the light of a recent decision rendered by the European Court of Human Rights in Strasbourg in Matouf and Damjanovic case, which states that from the aspect of equality of citizens before the law these cases should have been prosecuted under the Criminal Code of the Socialist Federal Republic of Yugoslavia as a more lenient law providing for lesser sanction in order to avoid the retroactive application of more stringent legislation.

Brčko District applies the Criminal Code of the former Socialist Federal Republic of Yugoslavia as the law in force at the time of the offence. However, this has no effect on the prosecution of crimes against humanity since this type of crime is not under the jurisdiction of local judiciary.

Pending issues related to regional cooperation between Bosnia and Herzegovina, the Republic of Serbia and the Republic of Croatia have been resolved. The Prosecutor's Office of Bosnia and Herzegovina and the Office of the War Crimes Prosecutor of the Republic of Serbia signed the Protocol on Cooperation in Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide on 31 January 2013. Such an agreement was also signed on 3 June 2013 between the Prosecutor's Office of Bosnia and Herzegovina and the State Attorney's Office of the Republic of Croatia.

NGO information:

(a) With respect to the need to expedite the prosecution of war crime cases, although some progress was made over the past year, prosecutors' offices across country remain unable to effectively deal with all the pending war crime cases. More than 1,000 war crimes related investigations are ongoing in the State party.

The High Judicial and Prosecutorial Council requires additional human resources.

(b) The psychological support provided during trials to witnesses and victims of war crimes remains inadequate. Even where some support is provided, the persons in charge are not adequately trained to do so in a professional manner.

A draft law on Witness Protection Programme remains pending before the House of Representatives.

(c) With respect to efforts aimed at harmonizing jurisprudence on war crimes, the recent judgment of the European Court of Human Rights on the case of Maktouf and Damjanovic can influence war crime cases already decided by the State party's courts since 2003.

Committee's evaluation:

[B2]: With respect to the need to expedite the prosecution of war crime cases, additional information is required on:

(a) The impact of the adoption of the Memorandum of Understanding between Brčko District judicial institutions and the United Nations Development Programme, on the prosecutions of war crime cases;

(b) The impact of the National War Crimes Processing Strategy on the backlog of unresolved war-related cases; and

(c) Concrete measures taken to further increase the number of prosecutors and other staff of courts and prosecutor's offices.

[B2]: With respect to the need to provide adequate psychological support to victims of sexual violence, while the report indicates local measures to implement the Committee's recommendation, additional information should be requested on:

(a) How in practice the State party is guaranteeing that victims of sexual violence have access to adequate psychological support, especially outside of Brčko District; and

(b) Training provided to the personnel in charge of psychological support.

[B2]: The Committee welcomes the State party efforts in harmonizing jurisprudence on war crimes, but requests additional information on the content and frequency of the meetings that the Supervisory Body has organized with judicial bodies. The Committee notes that charges for war crimes should not be brought under the Criminal Code of the former Socialist Federal Republic of Yugoslavia with regard to offences that were not typified as crimes against humanity, in accordance with international standards.

Paragraph 12: The State party should abolish the obligation in cases of disappearance which makes the right to compensation dependent on the family's willingness to have the family member declared dead. The State party should ensure that any compensation or other form of redress adequately reflects the gravity of the violation and the harm suffered.

Summary of State party's reply:

The Federal Ministry for Veterans and Disabled Veterans of the War of Defence and Liberation will, in the framework of amendments to the Law on the Rights of War Veterans and Members of Their Families, discuss Recommendation No. 12 of the Human Rights Committee with a view to its implementation through amendments to article 21, paragraph 4, of the Law.

Bosnia and Herzegovina

NGO information:

The State party authorities have not carried out any particular assessment, nor have they consulted with associations of relatives of missing persons on this subject.

An amendment was drafted by TRIAL's representatives and was given to the Human Rights Commission of the Federal Parliament. For the moment, this amendment to the Federal Law on Social Protection is still being analysed.

Committee's evaluation:

[C1]: The Committee considers that actions taken by the State party do not implement the recommendations. The Committee therefore reiterates them.

Recommended action: Letter reflecting the Committee's analysis.

Next periodic report: 31 October 2016

106th session (October and November 2012)

Germany

Concluding observations:	CCPR/C/DEU /CO/6, 31 October 2012
Follow-up paragraphs:	11, 14, and 15
First reply:	Due 31 October 2013; received 21 October 2013

Paragraph 11: The State party should revise its Asylum Procedure Act to allow suspensive orders in case of transfers of asylum seekers to any State bound by the Dublin II Regulation. The State party should also inform the Committee whether it will extend the suspension of transfers of asylum seekers to Greece beyond January 2013.

Summary of State party's reply:

Within the framework of implementing directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011, primarily section 34a of the Asylum Procedure Act has been amended and will now read as follows:

(1) If the foreigner is to be deported to a safe third country (Section 26a) or to a country responsible for processing the asylum application (Section 27a), the Federal Office shall order his deportation to this country as soon as it has been ascertained that the deportation can be carried out. This shall also apply if the foreigner has submitted his asylum application in another state responsible for carrying out the asylum proceedings pursuant to legal provisions of the European Union or pursuant to an international convention, or if he has withdrawn the asylum application prior to the decision by the Federal Office. No prior deportation warning or deadline shall be necessary;

(2) Motions pursuant to Section 80 (5) of the Code of Administrative Court Procedure challenging the order for deportation must be submitted within one week after notification thereof. Where such a motion has been submitted in a timely manner, deportation shall not be permissible before the court decision is handed down.

Germany

This legal reform is designed to guarantee that all objections to transfers under the Dublin Regulation can be asserted in a timely manner and that legal review can be sought in a court proceeding before the transfer. The reform entered into force on 6 September 2013.

With regard to the suspension of transfers of asylum seekers to Greece, on 28 November 2012 the Interior Ministry decided to extend the suspension for an additional year until January 2014.

Committee's evaluation:

[A]: Concerning the need to revise the Asylum Procedure Act to allow suspensive orders in case of transfers of asylum seekers to any State bound by the Dublin II Regulation, the Committee welcomes the amendment of the Section 34a, subsection 2, of the Asylum Procedure Act and considers the State party's response largely satisfactory.

[B1]: On the suspension of transfers of asylum seekers to Greece, while the Committee welcomes the decision of the Interior Ministry to extend the suspension of transfer of asylum seekers to Greece until January 2014, additional information should be requested on whether the State party will extend the suspension of transfers of asylum seekers to Greece beyond January 2014; and if not, on what basis the suspension of transfer of asylum seekers to Greece might be lifted.

Paragraph 14: The State party should take necessary measures to use the post-conviction preventive detention as a measure of last resort and create detention conditions for detainees, which are distinct from the treatment of convicted prisoners serving their sentence and only aimed at their rehabilitation and reintegration into society. The State party should include in the Bill under consideration, all legal guarantees to preserve the rights of those detained, including periodic psychological assessment of their situation which can result in their release or the shortening of the period of their detention.

Summary of State party's reply:

The Act to Effect Implementation under Federal Law of the Distance Requirement in the Law Governing Preventive Detention, which entered into force on 1 June 2013, introduces a new freedom-oriented and treatment-based concept of preventive detention which implements the so-called "distance requirement" (difference in treatment between preventive detainees and prisoners serving sentences). The objective is to minimize the threat which those placed in preventive detention pose to the general public to such an extent that the deprivation of liberty can be terminated as soon as possible. In addition to the court's examination whether the execution of preventive detention is still necessary for achieving its purpose, the court will now also examine whether placing someone in preventive detention would be disproportionate because the perpetrator was not offered adequate treatment options during his prison sentence. If that is the case, the preventive detention must be suspended on probation, which means that the person concerned must be released.

Moreover, the court also examines whether the preventive detainee has been offered adequate treatment options by conducting regular judicial reviews which determine whether the preventive detention should continue. The reviews are conducted annually and, after 10 years of preventive detention, every nine months.

Germany

At local level, the states have revised their laws. In addition, new facilities to house preventive detainees are being constructed and existing buildings are being altered to enlarge living areas and to upgrade living spaces. They will be suited to execute preventive detention in a treatment-based and freedom-oriented manner.

Committee's evaluation:

[A]: The Committee considers the State party's response largely satisfactory.

Paragraph 15: The State party should take effective measures to ensure full implementation of legal provisions related to the use, in compliance with the Covenant, of physical restraint measures in residential homes, including by improving training of staff, regular monitoring, investigations and appropriate sanctions for those responsible.

Summary of State party's reply:

The so-called "Werdenfelser Weg" is a procedural approach aimed at avoiding the use of physical restraints and measures involving deprivation of liberty. The main objective of this method is to ensure that care-based alternatives to physical restraint measures are thoroughly examined and discussed with all persons involved in the framework of judicial proceedings.

The "ReduFix" (2004 to 2006) and "ReduFix Praxis" (2007 to 2009) have shown that it is possible to reduce the use and duration of physical restraints without raising the frequency of injuries due to falls, if the care staff receives special training, alternative options are provided, and decent records are kept. Trainings were organized in this respect.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth currently supports a project called "Information and Advice on Prevention and Support in Cases of Abuse and Neglect of Vulnerable Elderly or Disabled Persons", which aims to increase public awareness of the issue of abuse and neglect among vulnerable elderly and disabled people.

The Guidelines on the Prevention of Measures to Restrict Liberty in the Field of Professional Care for the Elderly, compiled with the support of the Federal Ministry of Education and Research, are receiving more and more attention and is increasingly being applied by care professionals.

Thanks to the Geriatric Nursing Act, which entered into force on 1 August 2003 the training of care staff for elderly people is, for the first time, uniformly regulated throughout Germany. The issue of physical restraints in care facilities is dealt with in the classroom.

The issue of physical restraints in care facilities is also going to be one of the main topics of the Alliance for People with Dementia, which forms a part of the Federal Government's demographic strategy.

A brochure entitled "There is another way!" was developed for relatives and guardians in order to inform them about the risks of measures involving deprivation of liberty and to offer alternatives to such measures.

Germany

In cooperation with the Institute for Health Research and Technology at the University of Applied Sciences of Saarland and the Saarland Care Association, training will be provided from October 2013 to July 2014 for the staff of residential care facilities, including 18 days' training at district level and a further 10 days in 2014 at facilities for disabled people. The aim of this training is to provide an understanding of the legal framework conditions, impart knowledge of the risks and consequences of measures involving deprivation of liberty, and explore alternative measures, ways of determining root causes, possible technical support measures, and methods for advising and informing relatives.

Concerning the monitoring activities, the Medical Services of the health insurance funds (MDK) inspect every accredited residential and non-residential care facility in the State party once a year. As part of these quality controls, the MDKs also examine whether measures which restrict liberty are accompanied by the required approval or consent.

In Saxony, the MDK found violations in 14 out of a total of 4,779 examinations conducted last year. The care home inspectorate raised 18 complaints. If there is a suspicion of a criminal act being committed, the care home inspectorates pass on their findings to the criminal prosecution authorities.

Since the entry into force of the Hessian Act on Assistance and Care Services (HGBP) on 21 March 2012, there has been an explicit statutory provision in Hesse on consultation and controls: measures involving deprivation of liberty approved by a court must be limited to what is necessary and must be documented, whereby a record of this approval must be attached and the name of the person responsible for ordering the measure must be stated.

Committee's evaluation:

[B2]: The Committee takes note of violations found out by the Medical Services of the health insurance funds in Saxony, but requires additional information on investigations and appropriate sanctions for those responsible for violations of legal provisions related to the use of physical restraint measures in residential homes.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 31 October 2018

Annexes

Annex I

States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols, and States which have made the declaration under article 41 of the Covenant as at 30 March 2014

A. States parties to the International Covenant on Civil and Political Rights (167)

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Andorra	22 September 2006	22 December 2006
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993[a]	23 September 1993
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992[a]	[b]
Bahamas	23 December 2008	23 March 2009
Bahrain	20 September 2006[a]	20 December 2006
Bangladesh	6 September 2000[a]	6 December 2000
Barbados	5 January 1973[a]	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996[a]	10 September 1996
Benin	12 March 1992[a]	12 June 1992
Bolivia (Plurinational State of)	12 August 1982[a]	12 November 1982

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Bosnia and Herzegovina	1 September 1993[c]	6 March 1992
Botswana	8 September 2000	8 December 2000
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burkina Faso	4 January 1999[a]	4 April 1999
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	26 March 1992[a]	26 June 1992
Croatia	12 October 1992[d]	8 October 1991[c]
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993[c]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Djibouti	5 November 2002[a]	5 February 2003
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Eritrea	22 January 2002[a]	22 April 2002
Estonia	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993[a]	11 September 1993
Finland	19 August 1975	23 March 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	22 March 1979[a]	22 June 1979
Georgia	3 May 1994[a]	[b]
Germany	17 December 1973	23 March 1976
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997[a]	5 August 1997
Grenada	6 September 1991[a]	6 December 1991
Guatemala	5 May 1992[a]	5 August 1992
Guinea	24 January 1978	24 April 1978
Guinea-Bissau	1 November 2010	1 February 2011
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991[a]	6 May 1991
Honduras	25 August 1997	25 November 1997
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Indonesia	23 February 2006[a]	23 May 2006
Iran (Islamic Republic of)	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kazakhstan[e]	24 January 2006	
Kenya	1 May 1972[a]	23 March 1976
Kuwait	21 May 1996[a]	21 August 1996
Kyrgyzstan	7 October 1994[a]	[b]
Lao People's Democratic Republic	25 September 2009	25 December 2009
Latvia	14 April 1992[a]	14 July 1992
Lebanon	3 November 1972[a]	23 March 1976
Lesotho	9 September 1992[a]	9 December 1992
Liberia	22 September 2004	22 December 2004
Libya	15 May 1970[a]	23 March 1976
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993[a]	22 March 1994
Maldives	19 September 2006[a]	19 December 2006
Mali	16 July 1974[a]	23 March 1976
Malta	13 September 1990[a]	13 December 1990
Mauritania	17 November 2004[a]	17 February 2005
Mauritius	12 December 1973[a]	23 March 1976
Mexico	23 March 1981[a]	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	23 March 1976
Montenegro[f]		3 June 2006
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991[a]	14 August 1991

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993
Norway	13 September 1972	23 March 1976
Pakistan	23 June 2010	23 September 2010
Panama	8 March 1977	8 June 1977
Papua New Guinea	21 July 2008[a]	21 October 2008
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990[a]	10 July 1990
Republic of Moldova	26 January 1993[a]	[b]
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975[a]	23 March 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
Samoa	15 February 2008[a]	15 May 2008
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Serbia[g]	12 March 2001	[c]
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993
Slovenia	6 July 1992[c]	25 June 1991
Somalia	24 January 1990[a]	24 April 1990
South Africa	10 December 1998	10 March 1999

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Swaziland	26 March 2004[a]	26 June 2004
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	23 March 1976
Tajikistan	4 January 1999[a]	[b]
Thailand	29 October 1996[a]	29 January 1997
The former Yugoslav Republic of Macedonia	18 January 1994[c]	18 September 1991
Timor-Leste	18 September 2003[a]	18 December 2003
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	21 December 1978[c]	21 March 1979
Tunisia	18 March 1969	23 March 1976
Turkey	23 September 2003	23 December 2003
Turkmenistan	1 May 1997[a]	[b]
Uganda	21 June 1995[a]	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995[a]	[b]
Vanuatu	21 November 2008	21 February 2009
Venezuela (Bolivarian Republic of)	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Zambia	10 April 1984[a]	10 July 1984

State party	Date of receipt of the instrument of ratification	Date of entry into force
Zimbabwe	13 May 1991[a]	13 August 1991

Note: In addition to the States parties listed above, the Covenant continues to apply in Hong Kong, China and Macao, China.[b]

B. States parties to the Optional Protocol (115)

State party	Date of receipt of the instrument of ratification	Date of entry into force
Albania	4 October 2007[a]	4 January 2008
Algeria	12 September 1989[a]	12 December 1989
Andorra	22 September 2006	22 December 2006
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986[a]	8 November 1986
Armenia	23 June 1993[a]	23 September 1993
Australia	25 September 1991[a]	25 December 1991
Austria	10 December 1987	10 March 1988
Azerbaijan	27 November 2001[a]	27 February 2002
Barbados	5 January 1973[a]	23 March 1976
Belarus	30 September 1992[a]	30 December 1992
Belgium	17 May 1994[a]	17 August 1994
Benin	12 March 1992[a]	12 June 1992
Bolivia (Plurinational State of)	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 March 1995	1 June 1995
Brazil	25 September 2009[a]	25 December 2009
Bulgaria	26 March 1992[a]	26 June 1992
Burkina Faso	4 January 1999[a]	4 April 1999
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	19 May 2000[a]	19 August 2000
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Chile	27 May 1992[a]	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997	5 June 1997
Croatia	12 October 1995[a]	
Cyprus	15 April 1992	15 July 1992
Czech Republic	22 February 1993[c]	1 January 1993
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Djibouti	5 November 2002[a]	5 February 2003
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia	21 October 1991[a]	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984[a]	17 May 1984
Gambia	9 June 1988[a]	9 September 1988
Georgia	3 May 1994[a]	3 August 1994
Germany	25 August 1993[a]	25 November 1993
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997[a]	5 August 1997
Guatemala	28 November 2000[a]	28 February 2001
Guinea	17 June 1993	17 September 1993
Guinea-Bissau	24 September 2013	24 December 2013
Guyana[i]	10 May 1993[a]	10 August 1993
Honduras	7 June 2005	7 September 2005
Hungary	7 September 1988[a]	7 December 1988
Iceland	22 August 1979[a]	22 November 1979

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Ireland	8 December 1989[a]	8 March 1990
Italy	15 September 1978	15 December 1978
Kazakhstan	30 June 2009	30 September 2009
Kyrgyzstan	7 October 1994[a]	7 January 1995
Latvia	22 June 1994[a]	22 September 1994
Lesotho	6 September 2000[a]	6 December 2000
Libya	16 May 1989[a]	16 August 1989
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983[a]	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996[a]	11 September 1996
Maldives	19 September 2006[a]	19 December 2006
Mali	24 October 2001[a]	24 January 2002
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mexico	15 March 2002[a]	15 June 2002
Mongolia	16 April 1991[a]	16 July 1991
Montenegro[c]		23 October 2006
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989[a]	26 August 1989
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995[a]	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989	22 November 1989

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Poland	7 November 1991[a]	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990[a]	10 July 1990
Republic of Moldova	23 January 2008	23 April 2008
Romania	20 July 1993[a]	20 October 1993
Russian Federation	1 October 1991[a]	1 January 1992
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Serbia[g]	6 September 2001	6 December 2001
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993
Slovenia	16 July 1993[a]	16 October 1993
Somalia	24 January 1990[a]	24 April 1990
South Africa	28 August 2002[a]	28 November 2002
Spain	25 January 1985[a]	25 April 1985
Sri Lanka	3 October 1997[a]	3 January 1998
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
Tajikistan	4 January 1999[a]	4 April 1999
The former Yugoslav Republic of Macedonia	12 December 1994[c]	12 March 1995
Togo	30 March 1988[a]	30 June 1988
Tunisia	29 June 2011[a]	29 September 2011
Turkey	24 November 2006	24 February 2007
Turkmenistan	1 May 1997[a]	1 August 1997[b]
Uganda	14 November 1995[a]	14 February 1996
Ukraine	25 July 1991[a]	25 October 1991
Uruguay	1 April 1970	23 March 1976

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Uzbekistan	28 September 1995[a]	28 December 1995
Venezuela (Bolivarian Republic of)	10 May 1978	10 August 1978
Zambia	10 April 1984[a]	10 July 1984

Note: Jamaica denounced the Optional Protocol on 23 October 1997, with effect from 23 January 1998. Trinidad and Tobago denounced the Optional Protocol on 26 May 1998 and re-acceded on the same day, subject to a reservation, with effect from 26 August 1998. Following the Committee's decision in case No. 845/1999 (*Kennedy v. Trinidad and Tobago*) of 2 November 1999, declaring the reservation invalid, Trinidad and Tobago again denounced the Optional Protocol on 27 March 2000, with effect from 27 June 2000.

C. States parties to the Second Optional Protocol, aiming at the abolition of the death penalty (78)

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Albania	17 October 2007[a]	17 December 2007
Andorra	22 September 2006	22 December 2006
Argentina	2 September 2008	2 December 2008
Australia	2 October 1990[a]	11 July 1991
Austria	2 March 1993	2 June 1993
Azerbaijan	22 January 1999[a]	22 April 1999
Belgium	8 December 1998	8 March 1999
Benin	5 July 2012[a]	5 October 2012
Bolivia (Plurinational State of)	12 July 2013	12 October 2013
Bosnia and Herzegovina	16 March 2001	16 June 2001
Brazil	25 September 2009[a]	25 December 2009
Bulgaria	10 August 1999	10 November 1999
Canada	25 November 2005[a]	25 February 2006
Cape Verde	19 May 2000[a]	19 August 2000
Chile	26 September 2008	26 December 2008
Colombia	5 August 1997[a]	5 November 1997
Costa Rica	5 June 1998	5 September 1998
Croatia	12 October 1995[a]	12 January 1996

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Cyprus	10 September 1999[a]	10 December 1999
Czech Republic	15 June 2004[a]	15 September 2004
Denmark	24 February 1994	24 May 1994
Djibouti	5 November 2002[a]	5 February 2003
Ecuador	23 February 1993[a]	23 May 1993
Estonia	30 January 2004[a]	30 April 2004
Finland	4 April 1991	11 July 1991
France	2 October 2007[a]	2 January 2008
Georgia	22 March 1999[a]	22 June 1999
Germany	18 August 1992	18 November 1992
Guinea-Bissau	24 September 2013	24 December 2013
Greece	5 May 1997[a]	5 August 1997
Honduras	1 April 2008	1 July 2008
Hungary	24 February 1994[a]	24 May 1994
Iceland	2 April 1991	2 July 1991
Ireland	18 June 1993[a]	18 September 1993
Italy	14 February 1995	14 May 1995
Kyrgyzstan	6 December 2010	6 March 2011
Latvia	19 April 2013	19 July 2013
Liberia	16 September 2005[a]	16 December 2005
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	27 March 2002	26 June 2002
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994[a]	29 March 1995
Mexico	26 September 2007[a]	26 December 2007
Monaco	28 March 2000[a]	28 June 2000
Mongolia	13 March 2012[a]	13 June 2012
Montenegro[c]		23 October 2006
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Nepal	4 March 1998[a]	4 June 1998
Netherlands	26 March 1991	26 June 1991
New Zealand	22 February 1990	22 May 1990
Nicaragua	21 February 2009	21 May 2009
Norway	5 September 1991	5 December 1991
Panama	21 January 1993[a]	21 April 1993
Paraguay	18 August 2003	18 November 2003
Philippines	20 November 2007	20 February 2008
Portugal	17 October 1990	17 January 1990
Republic of Moldova	20 September 2006[a]	20 December 2006
Romania	27 February 1991	27 May 1991
Rwanda	15 December 2008[a]	15 March 2009
San Marino	17 August 2004	17 November 2004
Serbia[g]	6 September 2001[a]	6 December 2001
Seychelles	15 December 1994[a]	15 March 1995
Slovakia	22 June 1999	22 September 1999
Slovenia	10 March 1994	10 June 1994
South Africa	28 August 2002[a]	28 November 2002
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994[a]	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995[a]	26 April 1995
Timor-Leste	18 September 2003[a]	18 December 2003
Turkey	2 March 2006	2 June 2006
Turkmenistan	11 January 2000[a]	11 April 2000
Ukraine	25 July 2007[a]	25 October 2007
United Kingdom of Great Britain and Northern Ireland	10 December 1999	10 March 2000
Uruguay	21 January 1993	21 April 1993
Uzbekistan	23 December 2008[a]	23 March 2009

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Venezuela (Bolivarian Republic of)	22 February 1993	22 May 1993

D. States which have made the declaration under article 41 of the Covenant (49)

State party	*Valid from*	*Valid until*
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Australia	28 January 1993	Indefinitely
Austria	10 September 1978	Indefinitely
Belarus	30 September 1992	Indefinitely
Belgium	5 March 1987	Indefinitely
Bosnia and Herzegovina	6 March 1992	Indefinitely
Bulgaria	12 May 1993	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely
Congo	7 July 1989	Indefinitely
Croatia	12 October 1995	Indefinitely
Czech Republic	1 January 1993	Indefinitely
Denmark	19 April 1983	Indefinitely
Ecuador	24 August 1984	Indefinitely
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	27 December 2001	Indefinitely
Ghana	7 September 2000	Indefinitely
Guinea-Bissau	24 September 2013	Indefinitely
Guyana	10 May 1992	Indefinitely
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely

State party	*Valid from*	*Valid until*
Liechtenstein	10 March 1999	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	31 August 1972	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely
Slovakia	1 January 1993	Indefinitely
Slovenia	6 July 1992	Indefinitely
South Africa	10 March 1999	Indefinitely
Spain	11 March 1998	Indefinitely
Sri Lanka	11 June 1980	Indefinitely
Sweden	26 November 1971	Indefinitely
Switzerland	16 April 2010	16 April 2015
Tunisia	24 June 1993	Indefinitely
Ukraine	28 July 1992	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely
United States of America	8 September 1992	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

[a] Accession.

[b] In the opinion of the Committee, the date of entry into force is that on which the State became independent.

[c] Succession.

[d] In a letter dated 27 July 1992, received by the Secretary-General on 4 August 1992 and accompanied by a list of multilateral treaties deposited with the Secretary-General, the Government of Croatia notified that:

> "[The Government of] … the Republic of Croatia has decided, based on the Constitutional Decision on Sovereignty and Independence of the Republic of Croatia of 25 June, 1991 and the

Decision of the Croatian Parliament in respect of the territory of the Republic of Croatia, by virtue of succession of the Socialist Federal Republic of Yugoslavia of 8 October, 1991, to be considered a party to the conventions that Socialist Federal Republic of Yugoslavia and its predecessor states (the Kingdom of Yugoslavia, Federal People's Republic of Yugoslavia) were parties, according to the enclosed list. In conformity with the international practice, [the Government of the Republic of Croatia] would like to suggest that this take effect from 8 October, 1991, the date on which the Republic of Croatia became independent."

[e] Prior to the receipt by the Secretary-General of the instrument of ratification, the Committee's position was the following: although a declaration of succession had not been received, persons within the territory of the State which constituted a part of a former State party to the Covenant continued to be entitled to the guarantees provided in the Covenant, in accordance with the Committee's established jurisprudence (see *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40* (A/49/40), vol. I, paras. 48 and 49).

[f] Montenegro was admitted to membership in the United Nations by General Assembly resolution 60/264 of 28 June 2006. On 23 October 2006, the Secretary-General received a letter dated 10 October 2006 from the Government of Montenegro, together with a list of multilateral treaties deposited with the Secretary-General, informing the Secretary-General that:

- The Government of the Republic of Montenegro had decided to succeed to the treaties to which the State Union of Serbia and Montenegro had been a party or signatory;
- The Government of the Republic of Montenegro was succeeding to the treaties listed in the attached annex and formally undertook to fulfil the conditions set out therein as from 3 June 2006, the date on which the Republic of Montenegro had assumed responsibility for its international relations and the Parliament of Montenegro had adopted the Declaration of Independence;
- The Government of the Republic of Montenegro maintained the reservations, declarations and objections, as set out in the annex to the instrument, that had been made by Serbia and Montenegro before the Republic of Montenegro assumed responsibility for its international relations.

[g] The Socialist Federal Republic of Yugoslavia ratified the Covenant on 2 June 1971, which entered into force for that State on 23 March 1976. The successor State (the Federal Republic of Yugoslavia) was admitted to membership in the United Nations by General Assembly resolution 55/12 of 1 November 2000. By virtue of a subsequent declaration by the Yugoslav Government, the Federal Republic of Yugoslavia acceded to the Covenant with effect from 12 March 2001. In accordance with the established practice of the Committee, persons subject to the jurisdiction of a State which had been part of a former State party to the Covenant continue to be entitled to the guarantees set out in the Covenant. Following the adoption of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia on 4 February 2003, the name of the Federal Republic of Yugoslavia became "Serbia and Montenegro". The Republic of Serbia succeeded the State Union of Serbia and Montenegro as a Member of the United Nations, including all organs and bodies of the United Nations system, on the basis of article 60 of the Constitutional Charter of Serbia and Montenegro, to which the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006 gave effect. On 19 June 2006, the Secretary-General received a communication dated 16 June 2006 from the Minister for Foreign Affairs of the Republic of Serbia informing him that: (a) the Republic of Serbia would continue to exercise its rights and honour its commitments under international treaties concluded by Serbia and Montenegro; (b) the Republic of Serbia should be considered a party to all international agreements in force, instead of Serbia and Montenegro; and (c) the Government of the Republic of Serbia would henceforth perform the functions formerly performed by the Council of Ministers of Serbia and Montenegro as a depositary for the corresponding multilateral treaties. The Republic of Montenegro was admitted to membership in the United Nations by General Assembly resolution 60/264 of 28 June 2006.

[h] For information on the application of the Covenant in Hong Kong, China, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 40* (A/51/40), chap. V, sect. B, paras. 78–

85. For information on the application of the Covenant in Macao, China, see ibid., *Fifty-fifth Session, Supplement No. 40* (A/55/40), chap. IV.

[f] Guyana denounced the Optional Protocol on 5 January 1999 and re-acceded on the same day, subject to a reservation, with effect from 5 April 1999. The reservation of Guyana elicited objections from six States parties to the Optional Protocol.

Annex II

Membership and officers of the Human Rights Committee, 2013–2014

A. Membership of the Human Rights Committee

108th session	*Nationality*[a]	*Term ends 31 December*
Mr. Yadh **Ben Achour**[b]	Tunisia	2014
Mr. Lazahri **Bouzid**	Algeria	2016
Ms. Christine **Chanet**	France	2014
Mr. Ahmed Amin **Fathalla**	Egypt	2016
Mr. Cornelis **Flinterman**	Netherlands	2014
Mr. Yuji **Iwasawa**	Japan	2014
Mr. Walter **Kälin**[c]	Switzerland	2014
Ms. Zonke Zanele **Majodina**	South Africa	2014
Mr. Kheshoe Parsad **Matadeen**[d]	Mauritius	2016
Ms. Iulia Antoanella **Motoc**[e]	Romania	2014
Mr. Gerald L. **Neuman**	United States of America	2014
Sir Nigel **Rodley**	United Kingdom of Great Britain and Northern Ireland	2016
Mr. Victor Manuel **Rodríguez-Rescia**	Costa Rica	2016
Mr. Fabián Omar **Salvioli**	Argentina	2016
Ms. Anja Seibert-**Fohr**	Germany	2016
Mr. Yuval **Shany**	Israel	2016
Mr. Konstantine **Vardzelashvili**	Georgia	2016
Ms. Margo **Waterval**	Suriname	2014

109th session	*Nationality*[a]	*Term ends 31 December*
Mr. Yadh **Ben Achour**[b]	Tunisia	2014
Mr. Lazahri **Bouzid**	Algeria	2016
Ms. Christine **Chanet**	France	2014
Mr. Ahmed Amin **Fathalla**	Egypt	2016

109th session	*Nationality*[a]	*Term ends 31 December*
Mr. Cornelis **Flinterman**	Netherlands	2014
Mr. Yuji **Iwasawa**	Japan	2014
Mr. Walter **Kälin**[c]	Switzerland	2014
Ms. Zonke Zanele **Majodina**	South Africa	2014
Mr. Kheshoe Parsad **Matadeen**[d]	Mauritius	2016
Ms. Iulia Antoanella **Motoc**[e]	Romania	2014
Mr. Gerald L. **Neuman**	United States of America	2014
Sir Nigel **Rodley**	United Kingdom of Great Britain and Northern Ireland	2012
Mr. Victor Manuel **Rodríguez-Rescia**	Costa Rica	2016
Mr. Fabián Omar **Salvioli**	Argentina	2012
Ms. Anja **Seibert-Fohr**	Germany	2016
Mr. Yuval **Shany**	Israel	2016
Mr. Konstantine **Vardzelashvili**	Georgia	2016
Ms. Margo **Waterval**	Suriname	2014

110th session	*Nationality*[a]	*Term ends 31 December*
Mr. Yadh Ben **Achour**[b]	Tunisia	2014
Mr. Lazahri **Bouzid**	Algeria	2016[f]
Ms. Christine **Chanet**	France	2014
Mr. Ahmed **Amin Fathalla**	Egypt	2016[f]
Mr. Cornelis **Flinterman**	Netherlands	2014
Mr. Yuji **Iwasawa**	Japan	2014
Mr. Walter **Kälin**[c]	Switzerland	2014
Ms. Zonke Zanele **Majodina**	South Africa	2014
Mr. Kheshoe Parsad **Matadeen**[d]	Mauritius	2016
Mr. Gerald L. **Neuman**	United States of America	2014
Sir Nigel **Rodley**	United Kingdom of Great Britain and Northern Ireland	2016[f]
Mr. Victor Manuel **Rodríguez-Rescia**	Costa Rica	2016
Mr. Fabián Omar **Salvioli**	Argentina	2016[f]

110th session	*Nationality*[a]	*Term ends 31 December*
Ms. Anja **Seibert-Fohr**	Germany	2016[f]
Mr. Yuval **Shany**	Israel	2016[f]
Mr. Konstantine **Vardzelashvili**	Georgia	2016[f]
Ms. Margo **Waterval**	Suriname	2014
Mr. Andrei Paul **Zlătescu**[e]	Romania	2014

[a] In accordance with article 28, paragraph 3, of the International Covenant on Civil and Political Rights: "The members of the Committee shall be elected and shall serve in their personal capacity."

[b] Mr. Amor died on 2 January 2012, prior to the 104th session; his term was due to expire on 31 December 2014. Elections were held on 1 May 2012 for a replacement to continue this mandate until 31 December 2014. Mr. Yadh Ben Achour, from Tunisia, was elected by acclamation.

[c] Mr. Kälin was elected during by-elections held in New York on 17 January 2012 to fill two vacancies that arose from the resignations of Ms. Helen Keller and Mr. Mahjoub El Haiba, both effective 30 September 2011.

[d] Mr. Lallah died on 3 June 2012, prior to the 105th session; his term was due to expire on 31 December 2012. This vacant position was filled during the regular elections held during the 32nd Meeting of States Parties in New York on 6 September 2012. Mr. Kheshoe Parsad Matadeen was elected. Mr. Matadeen resigned effective 9 January 2014; elections will be held on 24 June 2014 during the 35th Meeting of States parties to elect his replacement whose term will expire in 2016.

[e] Ms. Motoc resigned on 14 October 2013 (effective 4 November 2013). At the election held on 18 February 2014, at the 33rd Meeting of States parties, Mr. Zlătescu was elected as a member of the Committee to replace Ms. Motoc. His term is due to expire on 31 December 2014.

[f] These members were elected during the 32nd Meeting of States Parties held in New York on 6 September 2012.

B. Officers

The officers of the Committee, elected for a term of two years at the meeting, on 11 March 2013 (107th session), are the following:

Chairperson:	Sir Nigel Rodley
Vice-Chairpersons:	Ms. Margot Waterval Ms. Iulia Antoanella Motoc/Mr. Vardzelashvili[43] Mr. Yadh Ben Achour
Rapporteur:	Mr. Cornelis Flinterman

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[43] Following the resignation of Ms. Motoc on 14 October 2013 (effective 4 November 2013), she was replaced as vice-Chairperson as of the 110th session by Mr. Vardzelashvili.

Annex III

Submission of reports and additional information by States parties under article 40 of the Covenant (as at 30 March 2014)

State party	*Type of report*	*Date due*	*Date of submission*
Afghanistan[a]	Third	31 October 2013	Not yet received
Albania	Third	26 July 2018	Not yet due
Algeria	Fourth	1 November 2011	Not yet received
Andorra	Initial	22 December 2007	Not yet received
Angola	Second	30 March 2017	Not yet due
Argentina[b]	Fifth	30 March 2014	Not yet due
Armenia	Third	30 July 2016	Not yet due
Australia	Sixth	1 April 2013	Not yet received[c]
Austria	Fifth	30 October 2012	17 June 2013
Azerbaijan	Fourth	1 August 2013	Not yet received
Bahamas	Initial	23 March 2010	Not yet received
Bahrain	Initial	20 December 2007	Not yet received
Bangladesh	Initial	6 December 2001	Not yet received
Barbados	Fourth	29 March 2011	Not yet received
Belarus[d]	Fifth	7 November 2001	Not yet received
Belgium	Sixth	29 October 2015	Not yet due
Belize	Initial	9 September 1997	Not yet received[e]
Benin	Second	1 November 2008	26 July 2013
Bolivia (Plurinational State of)	Fourth	1 November 2018	Not yet due
Bosnia and Herzegovina	Third	2 November 2016	Not yet due
Botswana	Second	31 March 2012	Not yet received
Brazil	Third	31 October 2009	Not yet received
Bulgaria[f]	Fourth	29 July 2015	Not yet due
Burkina Faso	Initial	3 April 2000	Not yet received

State party	*Type of report*	*Date due*	*Date of submission*
Burundi	Second	8 August 1996	7 February 2013
Cambodia	Second	31 July 2002	28 December 2012
Cameroon[g]	Fifth	30 July 2013	Not yet received
Canada	Sixth	31 October 2010	9 April 2013
Cape Verde	Initial	5 November 1994	Not yet received[h]
Central African Republic	Third	1 August 2010	Not yet received
Chad	Third	28 March 2018	Not yet due
Chile	Sixth	27 March 2012	29 May 2012
Colombia	Seventh	1 April 2014	Not yet due
Congo	Third	31 March 2003	Not yet received
Costa Rica	Sixth	1 November 2012	Not yet received
Côte d'Ivoire	Initial	25 June 1993	19 March 2013
Croatia	Third	30 October 2013	8 January 2014[i]
Cyprus	Fourth	1 June 2002	19 December 2012
Czech Republic[j]	Fourth	26 July 2018	Not yet due
Democratic People's Republic of Korea[k]	Third	1 January 2004	Not yet received
Democratic Republic of the Congo	Fourth	1 April 2009	Not yet received
Denmark[l]	Sixth	31 October 2013	Not yet received
Djibouti	Second	1 November 2017	Not yet due
Dominica	Initial	16 September 1994	Not yet received[m]
Dominican Republic	Sixth	30 March 2016	Not yet due
Ecuador[n]	Sixth	30 October 2013	Not yet received
Egypt	Fourth	1 November 2004	Not yet received
El Salvador[o]	Seventh	29 October 2014	Not yet due
Equatorial Guinea	Initial	24 December 1988	Not yet received[p]
Eritrea	Initial	22 April 2003	Not yet received
Estonia	Fourth	30 July 2015	Not yet due
Ethiopia	Second	29 July 2014	Not yet due

State party	*Type of report*	*Date due*	*Date of submission*
Finland	Seventh	26 July 2019	Not yet due
France	Fifth	31 July 2012	3 August 2012
Gabon	Third	31 October 2003	Not yet received
Gambia	Second	21 June 1985	Not yet received[q]
Georgia	Fourth	1 November 2011	25 June 2012
Germany[r]	Seventh	2 November 2018	Not yet due
Ghana	Initial	8 February 2001	Not yet received
Greece	Second	1 April 2009	Not yet received
Grenada	Initial	6 September 1991	Not yet received[s]
Guatemala[t]	Fourth	30 March 2016	Not yet due
Guinea	Third	30 September 1994	Not yet received
Guinea-Bissau	Initial	1 February 2012	Not yet received
Guyana	Third	31 March 2003	Not yet received
Haiti	Initial	30 December 1996	3 December 2012
Honduras	Second	31 October 2010	Not yet received
Hong Kong, China[u]	Fourth (China)	30 March 2018	Not yet due
Hungary	Sixth	29 October 2014	Not yet due
Iceland	Sixth	30 July 2018	Not yet due
India	Fourth	31 December 2001	Not yet received
Indonesia	Second	26 July 2017	Not yet due
Iran (Islamic Republic of)	Fourth	2 November 2014	Not yet due
Iraq	Fifth	4 April 2000	16 October 2013
Ireland	Fourth	31 July 2012	25 July 2012
Israel	Fourth	30 July 2013	14 October 2013[v]
Italy	Sixth	31 October 2009	Not yet received
Jamaica	Fourth	2 November 2014	Not yet due
Japan	Sixth	29 October 2011	26 April 2012
Jordan	Fifth	29 October 2014	Not yet due
Kazakhstan	Second	29 July 2014	Not yet due
Kenya	Fourth	30 July 2015	Not yet due

State party	*Type of report*	*Date due*	*Date of submission*
Kuwait	Third	2 November 2014	Not yet due
Kyrgyzstan	Third	28 March 2018	Not yet due
Lao People's Democratic Republic	Initial	25 December 2010	Not yet received
Latvia	Fourth	28 March 2020	Not yet due
Lebanon	Third	31 December 1999	Not yet received
Lesotho	Second	30 April 2002	Not yet received
Liberia	Initial	22 December 2005	Not yet received
Libya	Fifth	30 October 2010	Not yet received[t]
Liechtenstein	Second	1 September 2009	Not yet received
Lithuania[u]	Fourth	30 July 2017	Not yet due
Luxembourg	Fourth	1 April 2008	Not yet received
Macao, China[w]	Second (China)	30 March 2018	Not yet due
Madagascar	Fourth	23 March 2011	Not yet received
Malawi	Initial	21 March 1995	3 April 2012[x]
Maldives	Second	30 July 2015	Not yet due
Mali	Third	1 April 2005	Not yet received
Malta	Second	12 December 1996	24 July 2012
Mauritania	Second	1 November 2017	Not yet due
Mauritius	Fifth	1 April 2010	Not yet received
Mexico[y]	Sixth	30 March 2014	Not yet due
Monaco[z]	Third	28 October 2013	Not yet received
Mongolia	Sixth	1 April 2015	Not yet due
Montenegro[aa]	Initial	23 October 2007	4 October 2012
Morocco	Sixth	1 November 2008	Not yet received
Mozambique[bb]	Second	1 November 2017	Not yet due
Namibia	Second	1 August 2008	Not yet received
Nepal	Third	28 March 2018	Not yet due
Netherlands (including Antilles and Aruba)	Fifth	31 July 2014	Not yet due
New Zealand[cc]	Sixth	30 March 2015	Not yet due

State party	*Type of report*	*Date due*	*Date of submission*
Nicaragua	Fourth	29 October 2012	Not yet received
Niger	Second	31 March 1994	Not yet received
Nigeria	Second	28 October 1999	Not yet received
Norway[dd]	Seventh	2 November 2016	Not yet due
Pakistan	Initial	23 September 2011	Not yet received
Panama	Fourth	31 March 2012	Not yet received
Papua New Guinea	Initial	21 October 2009	Not yet received
Paraguay	Fourth	30 March 2017	Not yet due
Peru	Sixth	30 March 2018	Not yet due
Philippines	Fifth	2 November 2016	Not yet due
Poland	Seventh	29 October 2015	Not yet due
Portugal	Fifth	31 October 2018	Not yet due
Republic of Korea	Fourth	2 November 2010	19 August 2013
Republic of Moldova[ee]	Third	30 October 2013	Not yet received
Romania[ff]	Fifth	28 April 1999	Not yet received
Russian Federation	Seventh	1 November 2012	22 November 2012
Rwanda	Fourth	10 April 2013	Not yet due
Saint Vincent and the Grenadines	Second	31 October 1991	Not yet received[gg]
Samoa	Initial	15 May 2009	Not yet received
San Marino	Third	31 July 2013	Not yet due[hh]
Senegal	Fifth	4 April 2000	Not yet received
Serbia	Third	1 April 2015	Not yet due
Seychelles	Initial	4 August 1993	Not yet received[ii]
Sierra Leone	Second	28 March 2017	Not yet due
Slovakia	Fourth	1 April 2015	Not yet due
Slovenia	Third	1 August 2010	Not yet received
Somalia	Initial	23 April 1991	Not yet received
South Africa	Initial	9 March 2000	Not yet received
Spain	Sixth	1 November 2012	27 December 2012
Sri Lanka	Fifth	1 November 2007	29 October 2012

State party	*Type of report*	*Date due*	*Date of submission*
Sudan	Fourth	26 July 2010	21 September 2012
Suriname	Third	1 April 2008	8 October 2013
Swaziland	Initial	27 June 2005	Not yet received[ii]
Sweden[jj]	Seventh	1 April 2014	Not yet due
Switzerland[kk]	Fourth	1 November 2015	Not yet due
Syrian Arab Republic	Fourth	1 August 2009	Not yet received[ll]
Tajikistan	Third	26 July 2017	Not yet due
Thailand	Second	1 August 2009	Not yet received
The former Yugoslav Republic of Macedonia	Third	1 April 2012	8 May 2013
Timor-Leste	Initial	19 December 2004	Not yet received
Togo	Fifth	1 April 2015	Not yet due
Trinidad and Tobago	Fifth	31 October 2003	Not yet received
Tunisia	Sixth	31 March 2012	Not yet received
Turkey	Second	2 November 2016	Not yet due
Turkmenistan	Second	30 March 2015	Not yet due
Uganda	Second	1 April 2008	Not yet received
Ukraine	Eighth	26 July 2018	Not yet due
United Kingdom of Great Britain and Northern Ireland	Seventh	31 July 2012	29 December 2012
United Kingdom of Great Britain and Northern Ireland (Overseas territories)	Seventh	31 July 2012	29 December 2012
United Republic of Tanzania	Fifth	1 August 2013	Not yet due
United States of America	Fifth	28 March 2019	Not yet due
Uruguay[mm]	Sixth	1 November 2018	Not yet due
Uzbekistan	Fourth	30 March 2013	5 April 2013
Vanuatu	Initial	21 February 2010	Not yet received
Venezuela (Bolivarian Republic of)	Fourth	1 April 2005	18 December 2012
Viet Nam	Third	1 August 2004	Not yet received
Yemen	Sixth	30 March 2015	Not yet due

State party	*Type of report*	*Date due*	*Date of submission*
Zambia	Fourth	20 July 2011	Not yet received
Zimbabwe	Second	1 June 2002	Not yet received

[a] On 12 May 2011, Afghanistan accepted the new optional procedure on focused reports based on replies to the list of issues prior to reporting. In July 2012, during its 105th session, the Committee adopted a list of issues prior to reporting and sent it to the State party for a response by 31 October 2013. The State party's response will be considered its third periodic report.

[b] On 30 September 2013, Argentina informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting. A list was adopted by the Committee during the 110th session and sent to the State party with a deadline of March 2014.

[c] On 10 March 2011, Australia accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 106th session, the Committee adopted list of issues prior to reporting on Australia with a deadline of 1 April 2013 for the State party's responses, which will be considered its sixth periodic report.

[d] On 18 February 2014, Belarus informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[e] The Committee considered the situation of civil and political rights in Belize, at its 107th session (March, 2013), in the absence of a report (in accordance with rule 70 of its rules of procedure).

[f] On 20 February 2014, Bulgaria informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[g] On 2 February 2011, Cameroon accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 103rd session, the Committee adopted list of issues prior to reporting on Cameroon with a deadline of 30 July 2013 for the State party's responses, which will be considered its fifth periodic report.

[h] The Committee considered the situation of civil and political rights in Cape Verde at its 104th session.

[i] On 6 April 2011, Croatia accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 105th session, the Committee adopted list of issues prior to reporting on Croatia with a deadline of 30 October 2013 for the State party's responses, which will be considered its third periodic report.

[j] On 5 July 2014, the Czech Republic, informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[k] During its 101st, 102nd and 110th sessions, the Committee decided to send letters of reminder to the Libyan Arab Jamahiriya, the Syrian Arab Republic, and the Democratic People's Republic of Korea, respectively, for their periodic reports.

[l] On 2 March 2011, Denmark accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 103rd session, the Committee adopted list of issues prior to reporting on Denmark with a deadline of 31 October 2013 for the State party's responses, which will be considered its sixth periodic report.

[m] The Committee scheduled Dominica for examination under article 70 of its rules of procedure, in the absence of a report, during its 102nd session in July 2011, but the examination was later postponed.

[n] On 1 March 2013, Ecuador informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[o] On 11 February 2014, El Salvador informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[p] The Committee considered the situation of civil and political rights in Equatorial Guinea under article 70 of its rules of procedure, in the absence of a report, at its seventy-ninth session (October, 2003).

[q] The Committee considered the situation of civil and political rights in the Gambia under article 70 of its rules of procedure, in the absence of a report, at its seventy-fifth session (July, 2002).

[r] On 28 March 2013, Germany informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[s] The Committee considered the situation of civil and political rights in Grenada under article 70 of its rules of procedure, in the absence of a report, at its ninetieth session (July, 2007).

[t] On 15 July 2013, Guatemala informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[u] Although China is not itself a party to the Covenant, the Government of China has honoured the obligations under article 40 with respect to Hong Kong, China and Macao, China, which were previously under British and Portuguese administration, respectively.

[v] On 9 May 2011, Israel accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 105th session, the Committee adopted list of issues prior to reporting on Israel with a deadline of 30 July 2013 for the State party's responses, which will be considered its fourth periodic report.

[w] On 20 July 2013, Lithuania informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[x] The Committee considered the situation of civil and political rights in Malawi at its 103rd session, in the absence of a report (rule 70 of its rules of procedure). See chapter III, para. 97, of the present report. The report was subsequently provided.

[y] On 18 December 2013, Mexico informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[z] On 5 January 2011, Monaco accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 103rd session, the Committee adopted list of issues prior to reporting on Cameroon with a deadline of 28 October 2013 for the State party's responses, which will be considered its third periodic report.

[aa] Montenegro was admitted to membership in the United Nations by General Assembly resolution 60/264 of 28 June 2006. On 23 October 2006, the Secretary-General received a letter, dated 10 October 2006, from the Government of Montenegro, together with a list of multilateral treaties deposited with the Secretary-General, informing him that:

- The Government of the Republic of Montenegro had decided to succeed to the treaties to which the State Union of Serbia and Montenegro had been a party or a signatory;
- The Government of the Republic of Montenegro was succeeding to the treaties listed in the attached annex and formally undertook to fulfil the conditions set out therein as from 3 June 2006, the date on which the Republic of Montenegro had assumed responsibility for its international relations and the Parliament of Montenegro had adopted the Declaration of Independence;
- The Government of the Republic of Montenegro maintained the reservations, declarations and objections, as set out in the annex to the instrument, which had been made by Serbia and Montenegro before the Republic of Montenegro assumed responsibility for its international relations.

[bb] The Committee scheduled Mozambique for examination under article 70 of its rules of procedure, in the absence of a report, during its 104th session in March 2012. See chapter III, para. 98 of the present report.

[cc] On 28 January 2011, New Zealand accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting.

[dd] On 5 April 2013, Norway informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[ee] On 18 March 2011, the Republic of Moldova accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During

the 103rd session, the Committee adopted list of issues prior to reporting on the Republic of Moldova with a deadline of 30 October 2013 for the State party's responses, which will be considered its third periodic report.

[ff] On 15 July 2013, Romania informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[gg] The Committee considered the situation of civil and political rights in Saint Vincent and the Grenadines, at its eighty-sixth session (March, 2006), in the absence of a report (rule 70 of its rules of procedure).

[hh] On 23 February 2011, San Marino accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 105th session, the Committee adopted list of issues prior to reporting on San Mario with a deadline of 31 July 2013 for the State party's responses, which will be considered its third periodic report.

[ii] The Committee considered the situation of civil and political rights in the Seychelles at its 101st session in the absence of a report (March, 2011).

[jj] During the 104th session, the Committee agreed to a request to extend the deadline for the initial report of Swaziland until the end of December 2012.

[kk] On 20 June 2013, Sweden informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[ll] On 23 January 2014, informed the Committee that it wished to subscribe to the new optional reporting procedure and requested the Committee to draft a list of issues prior to reporting.

[mm] On 26 November 2010, Uruguay accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting. During the 103rd session, the Committee adopted list of issues prior to reporting on Uruguay with a deadline of 5 December 2012. The State party's responses, which will be considered its fifth periodic report were received on 21 December 2012.

Annex IV

Status of reports and situations considered during the period under review, and of reports still pending before the Committee

108th session

Reports considered

Indonesia (initial, CCPR/C/IDN/1); Albania (second, CCPR/C/ALB/2); Tajikistan (second, CCPR/C/TJK/2); Czech Republic (third, CCPR/C/CZE/3); Finland (sixth, CCPR/C/FIN/6); Ukraine (seventh, CCPR/C/UKR/7)

List of issues adopted

Sierra Leone (initial, CCPR/C/SLE/Q/1); Malawi (initial, CCPR/C/MWI/Q/1); Nepal (second, CCPR/C/NPL/Q/2); Kyrgyzstan (second, CCPR/C/KGZ/Q/2); Chad (second, CCPR/C/TCD/Q/2); Chile (sixth, CCPR/C/CHL/Q/6)

109th session

Reports considered

Bolivia (Plurinational State of) (third, CCPR/C/BOL/3); Mauritania (initial, CCPR/C/MRT/1); Mozambique (initial, CCPR/C/MOZ/1); Djibouti (initial, CCPR/C/DJI/1); Uruguay (fifth, CCPR/C/URY/5)

List of issues adopted

Georgia (fourth, CCPR/C/GEO/Q/4); Japan (sixth, CCPR/C/JPN/Q/6); Latvia (third, CCPR/C/LVA/Q/3); Ireland (fourth, CCPR/C/IRL/Q/4); Burundi (second, CCPR/C/BDI/2); Sudan (fourth, CCPR/C/SDN/4)

List of issues prior to reporting adopted

Ecuador (sixth, CCPR/C/ECU/QPR/6)

110th session

Reports considered

Sierra Leone (initial, CCPR/C/SLE/1); Nepal (second, CCPR/C/NPL/2); Kyrgyzstan (second, CCPR/C/KGZ/2); Chad (second, CCPR/C/TCD/2); Latvia (third, CCPR/C/LVA/3); United States of America (fourth, CCPR/C/USA/4 and Corr.1)

List of issues adopted

Sri Lanka (fifth, CCPR/C/LKA/Q/5); Haiti (initial, CCPR/C/HTI/Q/1); Malta (second, CCPR/C/MLT/Q/2); Montenegro (initial, CCPR/C/MNE/Q/1)

List of issues prior to reporting adopted

Argentina (fifth, CCPR/C/ARG/QPR/5); Ecuador (sixth, CCPR/C/ECU/QPR/6); New Zealand (sixth, CCPR/C/NZL/QPR/6); Romania (fifth, CCPR/C/ROU/QPR/5); Sweden (seventh, CCPR/C/SWE/QPR/7)

Pending reports to be considered at a future session (as of 31 March 2014)

Cote d'Ivoire (initial, CCPR/C/CIV/1); Haiti (initial, CCPR/C/HTI/1); Malawi (initial, CCPR/C/MWI/1); Montenegro (initial, CCPR/C/MNE/1); Benin (second, CCPR/C/BEN/2); Cambodia (second, CCPR/C/KHM/2); Greece (second, CCPR/C/GRC/2); Malta (second, CCPR/C/MLT/2); Croatia (third, CCPR/C/HRV/3); the former Yugoslav Republic of Macedonia (third, CCPR/C/MKD/3); Suriname (third, CCPR/C/SUR/3); Cyprus (fourth, CCPR/C/CYP/4); Georgia (fourth, CCPR/C/GEO/4); Ireland (fourth, CCPR/C/IRL/4); Israel (fourth, CCPR/C/ISR/4); Republic of Korea (fourth, CCPR/C/KOR/4); Sudan (fourth, CCPR/C/SDN/4); Uzbekistan (fourth, CCPR/C/UZB/4 and Corr.1); Venezuela (Bolivarian Republic of) (fourth, CCPR/C/VEN/4); Austria (fifth, CCPR/C/AUS/5); France (fifth, CCPR/C/FRA/5); Iraq (fifth, CCPR/C/IRQ/5); Sri Lanka (fifth, CCPR/C/LKA/5); Canada (sixth, CCPR/C/CAN/6); Chile (sixth, CCPR/C/CHL/6); Japan (sixth, CCPR/C/JPN/6); Spain (sixth, CCPR/C/ESP/6); Russian Federation (seventh, CCPR/C/RUS/7); United Kingdom of Great Britain and Northern Ireland (seventh, CCPR/C/GBR/7)

Annex V

Table on follow-up to concluding observations*

Eighty-seventh session: July 2006				
Central African Republic (second periodic report) CCPR/C/CAF/CO/2 paras. 11, 12, 13				
Status				
Due date for the follow-up report:		2007-07-27	Not submitted	PROCEDURE DISCONTINUED: new periodic report due – no reply received from SP
Due date for the next periodic report:		2010-08-01	Not submitted	
LOIPR status		Not Applicable		
History of the procedure				
28/09/07–10/12/07	[HRC] Reminders sent			
20/02/08	[HRC] Request for SP meeting			
18/03/08	[HRC] Request for SP meeting			
01/04/08	[MEET] Meeting during 92nd session		No responses provided.	
11/06/08–22/09/08	[HRC] Reminders sent			
16/12/08	[HRC] Request for SP meeting			
29/05/09	[HRC] Reminder sent			
02/02/10–25/06/10	[HRC] Request for SP meeting and reminder			
28/09/10	[HRC] SP invited to reply to all COB in next periodic report			
13/10/10	[MEET] Meeting during 100th session		No reply received.	
		Recommended action: none		
United States of America (second and third periodic reports) CCPR/C/USA/CO/3/Rev.1 paras. 12, 13, 14, 16, 20, 26				
Status				
Due date for the follow-up report:		27/07/2007	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		01/08/2010	Submitted	
LOIPR status		Not applicable		

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* For an explanation of the system used to indicate the assessment of State responses (A, B1, B2, C1, C2, D1, D2), see chap. VII, para. 267, of the present report.

Abbreviations: EXT, information from external sources, such as NGOs; HRC, Human Rights Committee; LOIPR, list of issues prior to reporting; MEET, meeting; SP, State party; COB, concluding observations.

History of the procedure				
28/09/07	[HRC] Reminder sent			
01/11/07	[SP] FU report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
		Para. 20	Complete	[A]
		Para. 26	Incomplete	[B2]
11/06/08	[HRC] Request for SP meeting			
10/07/08	[MEET] Meeting during 93rd session			
06/05/09	[HRC] Reminder sent			
15/07/09	[SP] FU report	Para. 12	Satisfactory in parts	[B2]
		Para. 13	Satisfactory in parts	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
		Para. 26	Incomplete	[B2]
26/04/10	[HRC] SP invited to reply to all COB in next periodic report			
		Recommended action: none		
United Nations Interim Administration Mission in Kosovo (UNMIK) CCPR/C/UNK/CO/1 paras. 12, 13, 18				
Status				
Due date for the follow-up report:		27/07/2007	Submitted	PROCEDURE DISCONTINUED
Due date for the next periodic report:		01/08/2010	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
Apr.–Sept. 2007	[HRC] Reminders sent (3)			
10/12/07	[HRC] Request for SP meeting			
11/03/08	[UNMIK] FU report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 18	Incomplete	[B2]
11/06/08	[HRC] Request for SP meeting			
22/07/08	[MEET] Meeting during session		Additional info provided – incomplete	N/A
07/11/08	[UNMIK] FU report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 18	Incomplete	[B2]
03/06/09	[HRC] Add. info requested			
03/06/09	[HRC] Reminder sent			
12/11/09	[UNMIK] FU report	Para. 12	Partially implemented	[B2]
		Para. 13	Partially implemented	[B2]
		Para. 18	Partially implemented	[B2]
28/09/10	[HRC] Reminder sent			
10/05/11	[HRC] Reminder sent &			

	Request for meeting			
20/07/11	[MEET] Meeting during 102 session.		Agreement: UNMIK will send additional information before the October 2011 session.	
09/09/11	[UNMIK] FU report			
10/12/11	[HRC] Letter sent to UNMIK.	The Committee takes note of the Mission's inability to implement the recommendations of the Committee and of its commitment to coordinate the elaboration of a consolidated report.		
22/12/11	[HRC] Letter to OLA (Mrs. O'Brien)	Requesting advice on the general status of Kosovo and on the strategy to adopt in the future to maintain the dialogue of the Committee with Kosovo.		
13/02/12	[UNMIK] Reply	Para. 13	Questions not replied	[D1]
		Para. 18	Recommended actions still pending	[B2]
12/11/12	[HRC] Letter reflecting the analysis of the Committee	Deadline: 1 February 2013.		
12/02/13	[UNMIK] Reply	Para. 13	Progress made but additional action required	[A] [B1]
		Para. 18	Progress made but additional action required	[B2] [B2] [A]
02/12/13	[HRC] Letter sent	Informing that the follow-up procedure has been discontinued		
		Recommended action: none		
Honduras (initial report) CCPR/C/HND/CO/1 paras. 9, 10, 11, 19				
Status				
Due date for the follow-up report:		27/10/2007	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		31/10/2010	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
07/01/07	[SP] FU report		Answer not relevant to recommendations	[C2]
20/01/07	[HRC] Add. info requested			
01/01/08–11/06/08	[HRC] Reminders sent			
22/09/08	[HRC] Request for meeting			
15/10/08	[SP] FU report		Initial actions taken – Implementation still pending	[B2]
10/12/08	[HRC] Letter sent	Additional info requested on all paragraphs		
06/05/09–27/08/09	[HRC] Reminder sent			
02/02/10–28/09/10	[HRC] Request for SP meeting and reminder			
Oct. 2010	[EXT] CCPR (CPTRT)	Para. 10		
21/10/10	[MEET] Meeting during 100th session.		Progress made but additional action required	[B2]
16/12/10	[HRC] Letter sent	Invitation to reply to COB as a whole in next periodic report.		
		Recommended action: none		
Bosnia and Herzegovina (initial report) CCPR/C/BIH/CO/1 paras. 8, 14, 19, 23				
Status				
Due date for the follow-up report:		01/11/2007	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		01/11/2010	Submitted	
LOIPR status		Not applicable		

History of the procedure				
21/12/07	[SP] FU report	Paras. 8, 14, 19, 23	All incomplete	[B2]
17/01/08	[HRC] Reminder sent			
22/09/08	[HRC] Request for meeting			
Oct. 2008	[EXT] CCPR (Helsinki Committee)	Paras. 8, 14, 19, 23		
31/10/08	[MEET] Meeting during 94th session		Reply to be submitted after government approval.	
01/11/08	[SP] FU report	Paras. 8, 14, 19, 23	All incomplete	[B2]
04/03/09	[SP] FU report	Paras. 8, 14, 19, 23	All incomplete	[B2]
29/05/09	[HRC] Letter sent	Additional info requested on all paragraphs		
27/08/09–11/12/09	[HRC] Reminders sent			
14/12/09	[SP] FU report	Para. 8	Implementation begun but not completed	[B2]
		Para. 14	Partially satisfactory	[B2]
		Para. 19	Partially satisfactory	[B2]
		Para. 23	Cooperative but incomplete	[B2]
11/12/09	[HRC] Invitation to reply to COB as a whole in next periodic report			
Sept. 2010	[EXT] TRIAL	Para. 14	Progress made but additional action required.	
		Recommended action: none		
Ukraine (sixth periodic report) CCPR/C/UKR/CO/6 paras. 7, 11, 14, 16				
Status				
Due date for the follow-up report:		02/11/2007	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		02/11/2011	Submitted	
LOIPR status		Not applicable		
History of the procedure				
17/01/08	[HRC] Reminder sent			
19/05/08	[SP] FU report	Paras. 7, 11, 14, 16	All incomplete	[B2]
06/05/08	[HRC] Add. info requested			
Oct. 2008	[EXT] CCPR Centre (UHHRU, International Renaissance Foundation, Donetsk, Vinnytsya Human Rights protection group, Kharkiv Human Rights Group)	Paras. 7, 11, 14, 16		
06/05/09	[HRC] Reminder sent			
28/08/09	[SP] FU report	Para. 7	Part incomplete, part unimplemented	[B2]
		Para. 11	Part satisfactory, part incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Part satisfactory, part incomplete	[B2]
26/04/10	[HRC] Letter sent	Requesting supplementary information and underlining unimplemented recommendations		

28/09/10–19/04/11	[HRC] Reminders sent			
10/05/11–02/08/11	[HRC] Requests for meeting	No reply		
		Recommended action: none		
Republic of Korea (third periodic report) CCPR/C/KOR/CO/3 paras. 12, 13, 18				
Status				
Due date for the follow-up report:		02/11/2007	Submitted	PROCEDURE DISCONTINUED
Due date for the next periodic report:		02/11/2010	Submitted	
LOIPR status		Undecided		
History of the procedure				
17/01/08	[HRC] Reminder sent			
25/02/08	[SP] FU report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 18	Unsatisfactory	[B2]
11/06/08	[HRC] Request for meeting			
21/07/08	[MEET] Meeting during 93rd session		Additional information to be provided in next periodic report	
22/07/08	[HRC] Letter summarizing outstanding issues sent			
06/05/08–27/08/09	[HRC] Reminders sent			
		Recommended action: none		

Eighty-ninth session: March 2007

Madagascar (third periodic report) CCPR/C/MDG/CO/3 paras. 7, 24, 25				
Status				
Due date for the follow-up report:		23/03/2008	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		23/03/2011	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
11/06/08–22/09/08	[HRC] Reminders sent			
16/12/08	[HRC] Request for meeting			
03/03/09	[SP] FU report	Para. 7	Incomplete	[B2]
		Para. 24	Incomplete	[B2]
		Para. 25	Incomplete	[B2]
29/05/09	[HRC] Letter sent	Additional information requested on all paragraphs		
03/09/09–10/05/11	[HRC] Reminders sent			
25/06/10	[HRC] Request for meeting			
28/09/10–10/05/11	[HRC] Reminders sent			
17/05/11	[SP] FU report (dated 29/09/2010)			
		Recommended action: none		

Chile (fifth periodic report) CCPR/C/CHL/CO/5 paras. 9, 19				
Status				
Due date for the follow-up report:		26/03/2008	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		01/04/2012	Submitted	
LOIPR status		Not applicable		
History of the procedure				
11/06/08–22/09/08	[HRC] Reminders sent			
21/10/08 31/10/08	[SP] FU report	Para. 9	Incomplete on certain issues	[B2]
		Para. 19	Incomplete on certain issues	[B2]
10/12/08	[HRC] Add. info requested			
25/03/09	[EXT] CCPR (Centro de Derechos Humanos, Universidad Diego Portales; Observatorio de Derechos de los Pueblos Indígenas)	Paras. 9, 19		
22/06/09	[HRC] Request for meeting		Part incomplete, part unimplemented	
28/07/09	[MEET] Meeting.		Additional information in preparation to be sent ASAP	
11/12/09–23/04/10	[HRC] Reminders sent			
28/05/10	[SP] FU report	Para. 9	Incomplete on certain issues	[B2]
		Para. 19	Incomplete on certain issues	[B2]
16/12/10	[HRC] Letter sent	Specifying additional information needed and which recommendations had not been adequately implemented		
31/01/11	[SP] Letter requesting clarifications on the additional information requested.			
20/04/11	[HRC] Letter clarifying the add. info requested			
05/10/11	[SP] FU report	Para. 9	No information on the prohibition to exercise public functions for persons responsible for human rights violations	[D1] and [B1]
		Para. 19	FU discontinued on the issue	[A]
24/04/12	[HRC] Letter sent	Requesting additional information on the implementation of 7 and 9. To be included in the sixth report (deadline 1 April 2012)		
		Recommended action: none		

Barbados (third periodic report) CCPR/C/BRB/CO/3 paras. 9, 12, 13				
Status				
Due date for the follow-up report:		29/03/2008	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		29/03/2011	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
11/06/08–22/09/08	[HRC] Reminders sent			
16/12/08	[HRC] Request for meeting			
19/03/09	[EXT] CCPR (BONGO; GIEACPC; IGLHRC)	Paras. 9, 12, 13		

31/03/09	[SP] Meeting during 95th session. Partial reply received.	Para. 9	Part largely satisfactory, part not implemented	[B1]
		Para. 12	Not implemented	[C1]
		Para. 13	Incomplete and not implemented	[C1]
29/07/09	[HRC] Letter sent	Additional information requested on all paragraphs		
23/04/10–28/09/10	[HRC] Reminders sent			
10/05/11	[HRC] Letter sent	Inviting SP to include requested additional information in next periodic report.		
		Recommended action: none		

Ninetieth session: July 2007

Zambia (third report) CCPR/C/ZMB/CO/3 paras. 10, 12, 13, 23				
Status				
Due date for the follow-up report:		20/07/2008	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		20/07/2011	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
Sep. 2008–May 2009	[HRC] Reminders sent (3)			
07/10/09	[HRC] Request for meeting			
28/10/09	[MEET] Meeting		Reply in preparation to be sent ASAP	
09/12/09	[SP] FU report	Para. 10	No reply	[D1]
		Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 23	Incomplete	[B2]
25/01/10	[EXT] CCPR (AWOMI; WILDAF; ZCEA)	Paras. 10, 12, 13, 23		
26/04/10	[HRC] Letter sent	Additional information requested on all paragraphs		
28/09/10	[HRC] Reminder sent			
28/01/11	[SP] FU report	Para. 10	Implementation partially initiated (10a)	[B2]
		Para. 12	Further action required	[B2]
		Para. 13	Further action required	[B2]
		Para. 23	Implementation partially initiated (23b)	[B2]
20/04/11	[HRC] Letter sent	Inviting SP to include requested additional information in next periodic report.		
		Recommended action: none		

Sudan (third periodic report) CCPR/C/SDN/CO/3 paras. 9, 11, 17				
Status				
Due date for the follow-up report:		26/07/2008	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		26/07/2010	Submitted	
LOIPR status		Not applicable		
History of the procedure				
22/09/08–19/12/08	[HRC] Reminders sent			
22/06/09–19/10/09	[HRC] Requests for meeting			
19/10/09	[SP] FU report. Annexes have not been received.	Para. 9	Incomplete	[B2]
		Para. 11	Incomplete	[B2]

31/07/13	[SP] Second FU report			
		Recommended action: analysed at the 110th session		

Chad (initial report) CCPR/C/TCD/CO/1 paras. 10, 13, 20, 32				
Status				
Due date for the follow-up report:		29/07/2010	Submitted	PROCEDURE DISCONTINUED: next periodic report due.
Due date for the next periodic report:		31/07/2012	Submitted	
LOIPR status		Not applicable		
History of the procedure				
16/12/10–20/04/10	[HRC] Reminders sent			
02/08/11	[HRC] Request for meeting			
19/10/11	[HRC] Phone call to the Permanent Mission	Recalling the request for a meeting. Said they will consult with the Representative and reply to the request.		
27/10/11	[MEET] Meeting with SP	The First Secretary, Mr. Awada, informed that he will insist to get the reply from Chad as soon as possible.		
25/01/12	[SP] FU report			
		Para. 10	Incomplete and not implemented	[B2] - [D1]
		Para. 13	Incomplete and not implemented	[B2] - [D1]
		Para. 20	No information provided	[D1]
		Para. 32	Incomplete	[B2]
29/04/12	[HRC] Letter sent	Requesting additional information on the implementation of paras. 10, 13, 20, 32: to be included in the fourth periodic report due on 31 July 2012.		
20/07/12	[SP] Periodic report includes FU information.	To be analysed in the context of the LOI.		
		Recommended action: none		

Azerbaijan (third periodic report) CCPR/C/AZE/CO/3 paras. 9, 11, 15, 18				
Status				
Due date for the follow-up report:		30/07/2010	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		01/08/2013	Not submitted	
LOIPR status		Refused		
History of the procedure				
06/07/10	[SP] FU report (sent to translation and received in June 2011)	Para. 9	Additional information necessary	[B2]
		Para. 11	Additional information necessary	[B2]
		Para. 15	Additional information necessary	[B2]
		Para. 18	Additional information necessary	[B2]
27/06/11	[EXT] NGO report: IRFS/LES	Para. 11	C/C/C/B3/C/C	
		Para. 15	C/B3/B3/C/C/C	
30/10/11	[HRC] Letter sent	Requesting additional information on all paragraphs.		
30/04/12	[HRC] Reminder sent			
31/05/12	[SP] FU reply	Para. 9	No reply to questions raised	[D1]
		Para. 11	No reply to questions raised	[D1]
		Para. 15	Incomplete	[B1]
		Para. 18	No reply to questions raised	[D1]
12/11/12	[HRC] Letter sent	Requesting additional information to be submitted by 15 January 2013		
24/05/13	[HRC] Reminder sent	Deadline: 1 August 2013		
		Recommended action: none		

Ninety-seventh session: October 2009

Switzerland (third periodic report) CCPR/C/CHE/CO/3 paras. 10, 14, 18				
Status				
Due date for the follow-up report:		27/10/2010	Submitted	PROCEDURE DISCONTINUED: replies largely satisfactory
Due date for the next periodic report:		01/01/2015	Not submitted	
LOIPR status		Undecided		
History of the procedure				
01/11/10	[SP] FU report			
22/02/11	[EXT] Humanrights.ch/MERS; Schweizerische Flüchtlingshilfe	Paras. 10, 14, 18		
25/04/11	[HRC] Letter sent	Stating that para. 18 and parts of para. 14 are satisfactory. Requesting additional information on paras. 10, 14.		
30/08/11	[HRC] Letter sent	Stating that the reply was not satisfactory. Request for additional information (paras. 14, 10)		
20/09/11	[SP] FU report	Para. 10	Largely satisfactory	[A]
		Para. 14	Largely satisfactory	[A]
27/11/11	[HRC] Letter sent	Informing that the FU procedure has come to an end, and recalling that the next periodic report is due on 1 January 2015.		
		Recommended action: none		

Republic of Moldova (second periodic report) CCPR/C/MDA/CO/2 paras. 8, 9, 16, 18				
Status				
Due date for the follow-up report:		29/10/2010	Submitted	PROCEDURE DISCONTINUED: Adoption of LOIPR at the 103rd session
Due date for the next periodic report:		31/10/2013	Not submitted	
LOIPR status		Accepted: Adopted October 2011		
History of the procedure				
03/12/10	[SP] FU report	Para. 8	Implementation begun but not completed	[B2]
		Para. 9	Implementation begun but not completed	[B2]
		Para. 16	Implementation begun but not completed	[B2]
		Para. 18	Implementation begun but not completed	[B2]
05/03/11	[EXT] Legal Resources Center (LCR), La Strada, Doina Ioana Straistenau Human Rights Lawyer, Promo Lex			
06/06/11	[EXT] UNCT			
19/09/11	[HRC] Letter sent	Requesting additional information on paragraphs 9 (a), 9 (b), 16, 18 (b) and stating that no information was provided on paragraphs 8(b) and 18 (recommendation not implemented).		
24/05/13	[HRC] Reminder sent	Deadline: 1 August 2013		
		Recommended action: none		

Croatia (second periodic report) CCPR/C/HRV/CO/2 paras. 5, 10, 17				
Status				
Due date for the follow-up report:		28/10/2010	Submitted	PROCEDURE DISCONTINUED: Adoption of LOIPR at the 105th session.
Due date for the next periodic report:		30/10/2013	Submitted	

		Para. 17	Incomplete	[B2]
19/10/09	[HRC] Note verbale requiring the annexes			
26/02/10	[HRC] Letter sent	Inviting SP to include requested additional information in next periodic report.		
		Recommended action: none		
Czech Republic (second periodic report) CCPR/C/CZE/CO/2 paras. 9, 14, 16				
Status				
Due date for the follow-up report:		25/07/2008	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		01/08/2011	Submitted	
LOIPR status		Not applicable		
History of the procedure				
June 2008	[EXT] CCPR (Zvule Prava; Centre on Housing Rights and Evictions; European Roma Rights Centre; Peacework Development Fund)	Para. 16		
11/06/08	[HRC] Reminder sent			
18/08/08	[SP] FU report	Para. 9	Incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
10/12/08	[HRC] Additional information requested			
06/05/09–06/10/09	[HRC] Reminders sent			
Feb. 2010	[HRC] Request for meeting			
22/03/10 01/07/10	[SP] FU report	Para. 9	Incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
20/04/11	[HRC] Letter sent	Considering info satisfactory on 9 (c), 14 (a), 14 (c), 16 (c), 16 (d), 16 (f). Incomplete on 9 (a), 9 (b), 16 (e). 14 (b) not implemented.		
25/11/11	[HRC] Letter sent	Stating that the requested information should be included in the next periodic report.		
		Recommended action: none		

Ninety-first session: October 2007

Georgia (third periodic report) CCPR/C/GEO/CO/3 paras. 8, 9, 11				
Status				
Due date for the follow-up report:		26/10/2008	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		01/11/2011	Submitted	
LOIPR status		Not applicable		
History of the procedure				
16/12/08	[HRC] Reminder sent			
13/01/09	[SP] FU report	Para. 8	Incomplete	[B2]
		Para. 9	Incomplete	[B2]
		Para. 11	Incomplete	[B2]
29/05/09	[HRC] Additional information requested			

27/08/09	[HRC] Reminder sent			
28/10/09	[SP] FU report	Para. 8	Incomplete	[B2]
		Para. 9	Incomplete	[B2]
		Para. 11	Incomplete	[B2]
28/09/10	[HRC] Additional information requested			
20/04/11–02/08/11	[HRC] Reminder sent			
24/11/11	[HRC] Letter sent	Stating that the requested information should be included in the next periodic report.		
		Recommended action: none		
Libyan Arab Jamahiriya (fourth report) CCPR/C/LBY/CO/4 paras. 10, 21, 23				
Status				
Due date for the follow-up report:		30/10/2008	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		30/10/2010	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
30/10/08	[EXT] Alkarama for Human Rights	Paras. 21, 23		
16/12/08–09/06/09	[HRC] Reminders sent			
24/07/09	[SP] FU report	Para. 10	Part implemented, part incomplete	[B2]
		Para. 21	Part implemented, part incomplete	[B2]
		Para. 23	Part implemented, part incomplete	[B2]
23/04/10	[HRC] Reminder sent and request for meeting.			
28/09/10	[HRC] Request for meeting			
12/10/10	[MEET] Meeting during 100th session		Commitment to communicate Committee's request to the Government	
18/11/10	[SP] Confirmation letter of outcome of above meeting			
05/11/10	[SP] FU report (hard copy) received			
18/11/10	[HRC] Request for FU report in word format			
10/05/11	[HRC] Reminder		Indicating that periodic report was five months overdue	
		Recommended action: none		
Austria (fourth report) CCPR/C/AUT/CO/4 paras. 11, 12, 16, 17				
Status				
Due date for the follow-up report:		30/10/2008	Submitted	PROCEDURE DISCONTINUED: Answers largely satisfactory
Due date for the next periodic report:		30/10/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
15/10/08	[SP] FU report	Para. 11	Incomplete	[B2]
		Para. 12	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
		Para. 17	Incomplete	[B2]
12/12/08	[HRC] Additional			

	information requested			
29/05/09	[HRC] Reminder sent			
28/10/09	[SP] FU report	Para. 11	Largely satisfactory	[A]
		Para. 12	Largely satisfactory	[A]
		Para. 16	Largely satisfactory	[A]
		Para. 17	Largely satisfactory	[A]
23/07/09	[EXT] CCPR (asylkoordination Österreich; Integrationshaus; SOS Mitmensch)			
14/12/09	[HRC] Letter sent	Stating FU procedure considered completed.		
		Recommended action: none		
Algeria (third periodic report) CCPR/C/DZA/CO/3 paras. 11, 12, 15				
Status				
Due date for the follow-up report:		01/11/2008	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		01/11/2011	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
07/11/07	[SP] FU report	Para. 11	Partial	[B2]
		Para. 12	Partial	[B2]
		Para. 15	Partial	[B2]
30/10/08	[EXT] Algeria-Watch	Paras. 11, 12		
05/11/08	[EXT] Alkarama for Human Rights	Paras. 11, 12, 15		
16/12/08	[HRC] Reminder sent			
14/01/09	[SP] Letter	Repeating position of memorandum, requesting memo to be issued as annex to annual report		
25/06/10	[HRC] Request for meeting			
27/07/10	[SP] Communication that SP representatives were available for the 99th session			
28/07/10	[HRC] Request for meeting			
11/10/10	[MEET] Meeting during 100th session	Request transmitted to Government. No reply received.		
16/12/10	[HRC] Invited SP to reply to COB in next periodic report			
		Recommended action: none		

Ninety-second session: March 2008

Tunisia (fifth periodic report) CCPR/C/TUN/CO/5 paras. 11, 14, 20, 21				
Status				
Due date for the follow-up report:		28/03/2009	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		31/03/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
07/11/07	[SP] FU report	Para. 11	Cooperation but incomplete	[B2]

		Para. 14	Not implemented	[C1]
		Para. 20	Acknowledged but imprecise information	[B2]
		Para. 21	Acknowledged but imprecise information	[B2]
11/03/09	[EXT] Alkarama for Human Rights	Paras. 11, 20		
23/07/09	[EXT] CCPR/FIDH (CNLT; LTDH)	Paras. 11, 14, 20, 21		
30/07/09	[HRC] Letter sent	Additional information requested. Some issues not to be considered in the FU process, but should be dealt with in the next periodic report.		
Aug. 2009	[EXT] OMCT	Paras. 11, 14, 20, 21		
02/03/10	[SP] FU report			
04/10/10	[HRC] Letter noting issues on which FU discontinued and specifying requested information			
20/04/11	[HRC] Reminder sent informing that the next periodic report is due 31/03/2012			
20/09/11	[SP] Letter	Asking to postpone the examination of Tunisia due to the January 2011 revolution.		
21/11/11	[HRC] Letter sent	Acknowledging SP's request and informing that the next periodic report is now due on 31 March 2014. FU reply remains pending and should be sent within a year.		
08/12/11	[SP] Letter confirming that the SP periodic report will be sent by 31/03/2014			
23/11/12	[HRC] Letter reminding the pending FU replies	Requesting the SP to send the FU report by 15 January 2013.		
24/05/13	[HRC] Reminder sent	Requesting the SP to send the FU report asap and informing that the next periodic report is now due on 31 March 2012.		
		Recommended action: none		
Botswana (initial report) CCPR/C/BWA/CO/1 paras. 12, 13, 14, 17				
Status				
Due date for the follow-up report:		28/03/2009	Submitted	PROCEDURE DISCONTINUED: next periodic report due
Due date for the next periodic report:		31/03/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
08/09/09–11/12/09	[HRC] Reminder sent			
28/09/10–19/04/11	[HRC] Request for meeting			
06/07/11	[SP] Positive response for meeting (via telephone)			
27/07/11	[MEET] Meeting with Ambassador		Information to be sent before the October session 2011	
05/10/11	[SP] FU report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete and not implemented	[B2] and [D1]
		Para. 14	Not implemented	[D1]

		Para. 17	Incomplete	[B2]
24/11/11	[HR] Letter sent	Requesting additional information in next periodic report on paras. 12, 13, 17, and stating that part of 13 and 14 have not been implemented.		
		Recommended action: none		
The former Yugoslav Republic of Macedonia (second periodic report) CCPR/C/MKD/CO/2 paras. 12, 14, 15				
Status				
Due date for the follow-up report:		03/04/2009	Submitted	PROCEDURE DISCONTINUED: next periodic report due
Due date for the next periodic report:		01/04/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
23/07/09	[EXT] CCPR (Helsinki Committee)	Paras. 12, 14, 15		
27/08/09	[HRC] Reminder sent			
31/08/09	[SP] FU report	Para. 12	Incomplete	[B2]
		Para. 14	Part unimplemented, part no reply	[C1]
		Para. 15	Incomplete	[B2]
26/04/10	[HRC] Letter sent	Requesting additional information on all paragraphs		
28/09/11–20/04/11	[HRC] Reminders sent			
04/06/11	[SP] FU report			
19/09/11	[HRC] Letter sent	Requesting additional information (paras. 15 and 12) and on 14 in next periodic report and stating that no information was provided on part of para. 12.		
		Recommended action: none		
Panama (third periodic report) CCPR/C/PAN/CO/3 paras. 11, 14, 18				
Status				
Due date for the follow-up report:		03/04/2009	Not submitted	PROCEDURE DISCONTINUED: new periodic report due. No collaboration of the SP
Due date for the next periodic report:		01/03/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
27/08/09	[HRC] Reminder sent			
11/12/09	[HRC] Reminder sent			
23/04/10	[HRC] Reminder sent			
28/09/10	[HRC] Request for meeting			
19/04/11	[HRC] Request for meeting			
June–July 2011	[HRC] Four calls to the Permanent Mission but unable to confirm SP meeting.			
19/10/11	[HRC] Phone call to Permanent Mission	Recalling the request for a meeting. Said they will consult with the representative and reply to the request.		
26/10/11	[MEET] Meeting.		The ambassador, Mr. Navarro, indicated that the information will be provided by the Permanent Mission in the forthcoming weeks.	
24/04/12	[HRC] Letter sent	Requesting additional information on the implementation of 11, 14, 18 to be included in the fourth periodic report due since 1 March		
		Recommended action: none		

Ninety-third session: July 2008

France (fourth periodic report) CCPR/C/FRA/CO/4 paras. 12, 18, 20				
Status				
Due date for the follow-up report:		22/07/2009	Submitted	PROCEDURE DISCONTINUED: new periodic report due.
Due date for the next periodic report:		31/07/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
20/07/09	[SP] FU report	Para. 12	Largely satisfactory	[A]
		Para. 18	Part incomplete	[B2]
		Para. 20	Part incomplete	[B2]
11/01/10	[HRC] Additional information requested			
09/07/10	[SP] FU report	Para. 12	Largely satisfactory	[A]
		Para. 18	Part incomplete	[B2]
		Para. 20	Part incomplete	[B2]
16/12/10	[HRC] Letter sent	Specifying para. 12 as complete, additional information requested for certain issues on paras. 18, 20		
17/01/11	[SP] Clarifications requested by the SP on the request for additional information			
20/04/11	[HRC] Letter sent specifying the additional information			
02/08/11	[HRC] Reminder sent			
08/11/11	[SP] FU report	Para. 18	Incomplete	[B2]
		Para. 20	Incomplete	[B1]
24/04/12	[HRC] Letter sent	Requesting additional info on the implementation of paras. 18 and 20. To be included in the fifth report due on 31/07/12.		
03/08/12	[SP] Periodic report includes FU information	To be analysed in the context of the LOI		
		Recommended action: none		
San Marino (second periodic report) CCPR/C/SMR/CO/2 paras. 6, 7				
Status				
Due date for the follow-up report:		22/07/2009	Submitted	PROCEDURE DISCONTINUED: Answers largely satisfactory
Due date for the next periodic report:		31/07/2013	Not submitted	
LOIPR status		Accepted: adopted October 2011		
History of the procedure				
31/07/09	[SP] FU report	Para. 6	Largely satisfactory	[A]
		Para. 7	Largely satisfactory	[A]
09/05/11	[HRC] Letter sent	Stating that replies are sufficient to consider the FU procedure completed.		
		Recommended action: none		
Ireland (third periodic report) CCPR/C/IRL/CO/3 paras. 11, 15, 22				
Status				
Due date for the follow-up report:		23/07/2009	Submitted	PROCEDURE DISCONTINUED: next periodic report due.
Due date for the next periodic report:		31/07/2012	Submitted	

LOIPR status		Not applicable		
History of the procedure				
31/07/09	[SP] FU report	Para. 11	Incomplete	[B2]
		Para. 15	Incomplete and not implemented	[B2]
		Para. 22	Incomplete	[B2]
Aug. 2009	[EXT] FLAC; ICCL; IPRT	Paras. 11, 15, 22		
04/01/10	[HRC] Request additional information on 11. FU procedure on 15, 22 considered completed			
21/12/10	[SP] FU report	Para. 11	Incomplete	[B2]
25/04/11	[HRC] Letter sent requesting additional information on parts of 11.			
02/08/11–17/11/11	[HRC] Reminders sent			
31/01/12	[SP] Reply	Para. 11	Satisfactory	[A]
24/04/12	[HRC] Letter sent	Request for additional information on para. 11. To be included in the fourth periodic report, due on 31 July 2012		
25/07/12	[SP] Report includes FU information.	To be analysed in the context of the LOI.		
		Recommended action: none		
United Kingdom of Great Britain and Northern Ireland (sixth periodic report) CCPR/C/GBR/CO/6 paras. 9, 12, 14, 15				
Status				
Due date for the follow-up report:		22/07/2009	Submitted	PROCEDURE DISCONTINUED: new periodic report submitted
Due date for the next periodic report:		31/07/2012	Submitted	
LOIPR status		Not applicable		
History of the procedure				
Aug. 2009	[EXT] British Irish Rights Watch	Paras. 3–4, 6–11, 13–18, 24–39		
07/08/09	[SP] FU report	Para. 9	Incomplete	[B2]
		Para. 12	Parts not replied to	[B2]
		Para. 14	Part implemented, but incomplete	[B2]
		Para. 15	Part incomplete	[B2]
24/08/09	[EXT] Northern Ireland Human Rights Commission	Para. 9		
26/04/10	[HRC] Request for additional information on 9, 14, 15			
28/09/10	[HRC] Reminder combined with request for additional information on 12			
10/11/10	[SP] FU report	Paras. 9, 12	Largely satisfactory	[A]
		Paras. 14, 15	Incomplete, additional information required	[B2]
20/04/11	[HRC] Request for			

	additional information on 14, 15			
02/08/11	[HRC] Reminder sent			
19/10/11	[SP] FU report	Para. 14	Incomplete1	[B1]
		Para. 15	Incomplete	[B1]
27/04/12	[HRC] Letter sent	Requesting additional information on the implementation of paras. 14 and 15 to be included in the next periodic report.		
31/07/12	[HRC] Letter sent	Informing that the additional information requested must be included in the next periodic report due on 31 July 2012.		
		Recommended action: none		

Ninety-fourth session: October 2008

Nicaragua (third periodic report) CCPR/C/NIC/CO/3 paras. 12, 13, 17, 19				
Status				
Due date for the follow-up report:		29/10/2009	Submitted	PROCEDURE DISCONTINUED: next periodic report due. No collaboration of the SP.
Due date for the next periodic report:		29/10/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
23/04/10–08/10/10	[HRC] Reminders sent			
20/04/11	[HRC] Request for meeting			
04/05/11	[SP] Positive response for meeting (via telephone). Meeting set to 18/07/2011, but no representative showed up			
02/08/11	[HRC] Reminder sent expressing regret that no representative showed up and requesting new meeting			
11/10/11	[SP] FU report and note verbale explaining and apologizing for their absence at the July meeting			
10/02/12	[EXT] CENIDH, OMCT, la Red de Centros, la Red de Mujeres contra la violencia, CODENI	Para. 12 (d), (e)	Incomplete	[B1]
		Para. 12 (a), (b), (c)	No info provided	[D1]
		Para. 13		[B1] [C1] [D1]
		Para. 17	Reply does not provide the information requested	[C2]
		Para. 19	Incomplete	[B2]
26/04/12	[HRC] Letter sent	Requesting additional information on the implementation of 12 (a)–(c) and (d)–(e), 13, 17 and 19. Deadline: 30/07/2012		
24/05/13	[HRC] Letter sent	Letter informing of the discontinuation of the procedure and of the lack of collaboration of the SP		

		Recommended action: none		
Monaco (second periodic report) CCPR/C/MCO/CO/2 para. 6				
Status				
Due date for the follow-up report:		28/10/09	Submitted	PROCEDURE DISCONTINUED: Answers largely satisfactory
Due date for the next periodic report:		28/10/13	Not submitted	
LOIPR status		Accepted: Adopted October 2011		
History of the procedure				
26/03/10	[SP] FU report	Para. 6	Largely satisfactory	[A]
08/10/10	[HRC] Letter sent	Stating FU process completed and inviting SP to keep Committee informed on developments of specific forms of violence and training of judges and officials.		
		Recommended action: none		
Denmark (fifth periodic report) CCPR/C/DNK/CO/5 paras. 8, 11				
Status				
Due date for the follow-up report:		28/10/2009	Submitted	PROCEDURE DISCONTINUED: Answers largely satisfactory
Due date for the next periodic report:		31/10/2013	Not submitted	
LOIPR status		Accepted: Adopted October 2011		
History of the procedure				
04/11/09	[SP] FU report	Para. 8	Incomplete	[B2]
		Para. 11	Largely satisfactory	[A]
28/01/2012	[EXT] CCPR (the Danish Institute for Human Rights)	Para. 11		
26/04/10	[HRC] Letter sent	Stating FU procedure complete for 11, request additional information on 8.		
28/09/10–20/04/11	[HRC] Reminders sent			
05/08/11	[SP] FU report	Para. 8	Largely satisfactory	[A]
22/11/11	[HRC] Letter sent	Informing that the FU procedure has come to an end and taking note of the SP acceptance of the LOIPR procedure.		
		Recommended action: none		
Japan (fifth periodic report) CCPR/C/JAP/CO/5 paras. 17, 18, 19, 21				
Status				
Due date for the follow-up report:		29/10/2009	Submitted	PROCEDURE DISCONTINUED: New report due
Due date for the next periodic report:		29/10/2011	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
01/12/09	[EXT] JWCHR; JLAF; KYUENKAI; League Demanding State Compensation for the Victims of the Public Order Maintenance Law	Paras. 19, 21		
21/12/09	[SP] FU report	Para. 17	Part unimplemented, part incomplete	[B2]
		Para. 18	Incomplete	[B2]
		Para. 19	Part implemented	[B2]
		Para. 21	Part unimplemented, part satisfactory	[B1]
22/01/10	[EXT] Japan Federation of Bar Associations	Paras. 17, 18, 19, 21		
28/09/10	[HRC]Letter sent	Additional information necessary on paras. 17, 18, 19, and specifying parts unimplemented in 17, 19, 21		

28/11/11	[HRC] letter sent	Stating that FU procedure has come to an end, and that the requested FU information should be included in the next periodic report due since 29/10/2011.		
		Recommended action: none		
Spain (fifth periodic report) CCPR/C/ESP/CO/5 paras. 13, 15, 16				
Status				
Due date for the follow-up report:		30/10/2009	Submitted	PROCEDURE DISCONTINUED: new periodic report submitted.
Due date for the next periodic report:		01/11/2012	Submitted	
LOIPR status		Not applicable		
History of the procedure				
04/02/10	[EXT] CCPR (BEHATOKIA)	Paras. 11, 13, 14, 15, 19		
23/04/10	[HRC] Reminder sent			
16/06/10	[SP] FU report	Para. 13	Implementation not completed	[B2]
		Para. 15	Implementation not completed	[B2]
		Para. 16	Implementation not completed	[B2]
25/04/11	[HRC] Letter sent	Noting the initial implementation of para. 16 and requesting additional information on paras. 13, 15.		
29/06/11	[SP] Reply with additional information on paras. 13, 15, 16			
22/09/11	[HRC] Letter sent	Requesting updated information to be included in next periodic report on progresses realized on para. 16; and additional information on para. 13; and stating that para. 15 not implemented.		
24/10/11	[SP] FU report			
		Para. 13	Incomplete	[B2]
		Para. 15	No information provided	[D1]
		Para. 16	Updated information should be provided in the next periodic report	[B1]
27/04/12	[HRC] Letter sent	Requesting additional information on the implementation of paras. 13, 15, 16 to be included in next periodic report		
		Recommended action: none		

Ninety-fifth session: March 2009

Australia (fifth periodic report) CCPR/C/AUS/CO/5 paras. 11, 14, 17, 23				
Status				
Due date for the follow-up report:		02/04/2010	Submitted	PROCEDURE DISCONTINUED: LOIPR adopted at the 106th session
Due date for the next periodic report:		01/04/2013	Not submitted	
LOIPR status		Accepted		
History of the procedure				
20/11/09	[EXT] Human Rights Law Resources Centre Ltd	Paras. 9–15, 17–21, 23, 25, 27		
28/09/10	[HRC] Reminder sent			
17/12/10	[SP] FU report	Para. 11	Implementation begun but not completed	[B2]
		Para. 14	Implementation begun but not completed	[B2]
		Para. 17	Implementation begun but not completed	[B2]

		Para. 23	Implementation begun but not completed	[A]
19/10/11	[HRC] Letter sent requesting additional info on the implementation of paras. 11, 14, 17			
03/02/12	[SP] FU reply			
		Para. 11	Not implemented	[C1]
		Para. 14	Incomplete	[B1]
		Para. 17	Incomplete	[B1]
30/04/12	[HRC] Letter sent	Requesting additional info on the implementation of paras. 11, 14, 17. To be included in the LOIPR.		
		Recommended action: none		
Rwanda (third periodic report) CCPR/C/RWA/CO/3 paras. 12, 13, 14, 17				
Status				
Due date for the follow-up report:		02/04/2010	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		01/04/2013	Not submitted	
LOIPR status		Undecided		
History of the procedure				
28/09/10	[HRC] Reminder sent			
21/12/10	[SP] FU report			
25/04/11	[HRC] Letter sent	Requesting additional information on paras. 12, 13, 14, 17		
19/10/11	[HRC] English translation of letter previously sent in French (after request from SP)			
30/04/12	[HRC] Reminder sent. Deadline: 20/07/2012			
03/0513	[HRC] Letter sent	Letter informing of the discontinuation of the procedure and requesting the SP to include its reply in its fourth report.		
		Recommended action: none		
Sweden (sixth periodic report) CCPR/C/SWE/CO/6 paras. 10, 13, 16, 17				
Status				
Due date for the follow-up report:		02/04/2010	Submitted	PROCEDURE DISCONTINUED: Response largely satisfactory
Due date for the next periodic report:		01/04/2014	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
18/03/10	[SP] FU report	Para. 10	Largely satisfactory	[A]
		Para. 13	Largely satisfactory	[A]
		Para. 16	Incomplete	[B2]
		Para. 17	Part implemented, part without response	[B2]
28/09/10	[HRC] Letter sent	Stating that FU procedure is completed for paras. 10, 13; requesting additional information for paras. 13, 17; highlighting that 17 is not implemented.		
24/10/10	[EXT] CCPR (Swedish Disability Federation)			
20/04/11	[HRC] Reminder sent			
05/08/11	[SP] FU report	Para. 17	Largely satisfactory	[A]
27/11/11	[HR] Letter sent	Stating that the answers provided are largely satisfactory and the FU procedure has come to an end.		

		Recommended action: none		

Ninety-sixth session: July 2009

United Republic of Tanzania (third periodic report) CCPR/C/TZA/CO/4 paras. 11, 16, 20				
Status				
Due date for the follow-up report:		28/07/2010	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		01/08/2013	Not submitted	
LOIPR status		Undecided		
History of the procedure				
16/12/10–20/04/11	[HRC] Reminders sent			
02/08/11	[HRC] Request for meeting			
19/10/11	[HRC] Phone call to Permanent Mission	Asking for reply to the request for a meeting. Said they would consult with the Representative, but that the person in charge of human rights issues is away until the end of November.		
17/11/11	[HRC] Reminder sent			
21/02/12	[HRC] Phone call to Permanent Mission	Checking on option for meeting. All correspondence sent back to the Permanent Mission at their request. No reply.		
02/08/12	[HRC] Reminder	Underlining the lack of response from the SP to previous letter and asking for a meeting		
14–9/10/12	[HRC] Phone calls to PM			
09/10/12	[SP] FU report	Para. 11	Additional action required	[B2]
		Para. 16	Additional action required	[B2]
		Para. 20	Recommendation not implemented	[C1]
03/05/13	[HRC] Letter sent	Requesting additional info on para. 16 and stating that paras. 11 and 20 have not been implemented. The information should be included in the next periodic report (due 1 August 2013).		
		Recommended action: none		
The Netherlands (fourth periodic report) CCPR/C/NLD/CO/4 paras. 7, 9, 23				
Status				
Due date for the follow-up report:		28/07/2010	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		31/07/2014	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
16/12/10–20/04/11	[HRC] Reminders sent			
20/07/11	[SP] Phone call of Permanent Mission		Reply should be sent before October 2011 session	
16/09/11	[SP] FU report	Para. 7	Not implemented	[C1]
		Para. 9	Partially satisfactory	[B2]
		Para. 23	Partially satisfactory	[B2]
21/11/11	[HRC] Letter sent	Requesting additional info on para. 9 and part of para. 23; updated information on part of para. 23; and stating that para. 7 has not been implemented.		
30/04/12	[HRC] Reminder sent. Deadline: 20/07/2012			
24/05/13	[HRC] Second reminder sent	Deadline: 1 August 2013		

LOIPR status		Accepted (adopted in July 2012)		
History of the procedure				
17/01/11	[SP] FU report	Para. 5	Part satisfactory, part incomplete	[B2]
		Para. 10	Incomplete	[B2]
		Para. 17	Incomplete	[B2]
09/05/11	[HRC] Letter sent	Stating that implementation had begun but not completed. Additional information requested on paras. 5, 10. Initial information requested on para. 17.		
14/06/11	[SP] FU report	Para. 5	Incomplete	
		Para. 10	10 (c) largely satisfactory, 10 (a) and (b) incomplete	[A]/[B2]
		Para. 17	Not implemented	[C1]
21/11/11	[HRC] Letter sent	Reflecting the analysis of the Committee		
31/07/12	[HRC] Letter sent	Informing that the FU questions pending reply by SP have been included in the LOIPR.		
		Recommended action: none		
Russian Federation (sixth periodic report) CCPR/C/RUS/CO/6 paras. 13, 14, 16, 17				
Status				
Due date for the follow-up report:		28/10/2010	Submitted	PROCEDURE DISCONTINUED: new report submitted
Due date for the next periodic report:		01/11/2012	Submitted	
LOIPR status		Not applicable		
History of the procedure				
22/10/10	[SP] FU report	Para. 13	Not implemented	[C1]
		Para. 14	Not implemented	[C1]
		Para. 16	Not implemented	[C1]
		Para. 17	Not implemented	[C1]
01/03/11	[EXT] CCPR (Memorial; AGORA; International Youth Human Rights Movement; Civil Assistance)	Paras. 14, 16, 17		
Feb. 2011	[EXT] Amnesty International	Paras. 13, 14, 16		
19/10/11	[HRC] Letter sent	Requesting additional information on paras. 13, 14, 16.		
30/04/12	[HRC] Reminder sent. Deadline: 20/07/2012			
07/02/13	[SP] Reply to the Committee	Informing that the replies to FU questions are in the seventh periodic report.		
		Recommended action: none		
Ecuador (fifth and sixth periodic reports) CCPR/C/ECU/CO/5 paras. 9, 13, 19				
Status				
Due date for the follow-up report:		29/10/2010	Submitted	PROCEDURE DISCONTINUED: new periodic report submitted.
Due date for the next periodic report:		30/10/2013	Submitted	
LOIPR status		Undecided		
History of the procedure				
10/05/11	[HRC] Reminder sent			
31/05/11	[SP] FU report	Para. 9	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 19	Incomplete	[B2]

20/09/11	[EXT] CCPR (Comisión Ecuménica de Derechos Humanos)	Paras. 9, 13, 19		
22/11/11	[HRC] Letter sent	Requesting additional information on paras. 9, 19 and 13.		
30/04/12	[HRC] Reminder sent. Deadline: 30/07/2012			
14/11/12	[HRC] Second reminder sent. Deadline: 15/1/2013			
04/04/13	[HRC] Request for a meeting sent			
		Recommended action: none		

Ninety-eighth session: March 2010

New Zealand (fifth report) CCPR/C/NZL/CO/5 paras. 12, 14, 19				
Status				
Due date for the follow-up report:		25/03/2010	Submitted	PROCEDURE DISCONTINUED: LOIPR to be adopted at the 106th session (postponed to March 2014)
Due date for the next periodic report:		30/03/2015	Not submitted	
LOIPR status		Accepted		
History of the procedure				
19/04/11	[SP] FU report			
02/08/11	[HRC] Reminder sent			
11/04/11	[SP] FU report (not received until August 2011)	Para. 12	Incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 19	Incomplete	[B2]
20/10/11	[EXT] AIR Trust	Paras. 12, 14, 19	(19 erroneously labelled as 16)	
03/01/12	[HRC] Letter sent.	Requesting additional information on paras. 12, 14 and 19.		
12/02/12	[SP] Reply			
		Recommended action: analysis to be realized in the context of the LOIPR		
Mexico (fourth periodic report) CCPR/C/MEX/CO/4 paras. 8, 9, 15, 20				
Status				
Due date for the follow-up report:		23/03/2011	Submitted	PROCEDURE DISCONTINUED: LOIPR to be adopted at the 111th session
Due date for the next periodic report:		30/03/2014	Not submitted	
LOIPR status		Accepted		
History of the procedure				
21/03/11	[SP] FU report	Para. 8	Largely satisfactory	[A]
		Para. 9	Largely satisfactory	[A]
		Para. 15	Incomplete	[B2]
		Para. 20	Incomplete	[B2]
22/09/11	[HRC] Letter sent	Requesting additional information on paras. 15, 20, and updated info requested in next periodic report on paras. 8, 9.		
30/04/12	[HRC] Reminder sent. Deadline: 30/07/2012			
30/07/12	[SP] Follow-up reply	Para. 15	Recommendation not implemented	[C1]
		Para. 20	Additional action required	[B2]
30/04/13	[HRC] Sent letter	Reflecting the analysis of the Committee and requesting additional information on paras. 15 and 20. The information should be included in the		

		next periodic report (due 30 April 2014).		
		Recommended action: none		
Argentina (fourth periodic report) CCPR/C/ARG/CO/4 paras. 17, 18, 25				
Status				
Due date for the follow-up report:		23/03/2011	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/2014	Not submitted	
LOIPR status		Undecided		
History of the procedure				
24/05/11	[SP] FU report	Para. 18	Incomplete	[B2]
		Para. 25	Incomplete	[B2]
29/06/11	[EXT] La Memoria de la Provincia de Buenos Aires	Paras. 17, 18		
30/06/11	[EXT] CELS	Paras. 17, 18, 25		
18/07/11	[EXT] Ministry of Justice and Human Rights, Mendoza Province			
22/09/11	[HRC] Letter sent	Requesting additional information on paras. 17, 18, 25		
30/04/12	[HRC] Reminder sent. Deadline: 30/07/2012			
24/05/13	[HRC] Reminder sent. Deadlline: 01/08/2013			
15/08/13	[SP] Second FU reply			
		Action taken: Discontinued		
Uzbekistan (third periodic report) CCPR/C/UZB/CO/3 paras. 8, 11, 14, 24				
Status				
Due date for the follow-up report:		24/03/2011	Submitted	PROCEDURE DISCONTINUED
Due date for the next periodic report:		30/03/2013	Submitted	
LOIPR status		Refused		
History of the procedure				
02/08/11 17/09/11	[HRC] Reminders sent			
30/01/12	[SP] Reply received	Para. 8	Incomplete, no information provided	[B2] [D1]
		Para. 11	Incomplete, not implemented	(a) (b) (c) [B2] (d) [B1] (e) [C1] (f) [B1]
		Para. 14	Not implemented	[C1]
		Para. 24	Relevant information not provided	[D1]
13/11/12	[HRC] Letter sent.	Reflecting the analysis of the Committee and requesting additional information. Deadline: 15/03/2013.		
11/02/13	[SP] Second FU reply	Para. 8	Actions taken do not implement the recommendation	[C1] [D1]
		Para. 11	Actions taken do not implement the recommendation	[C1]
		Para. 14	Actions taken do not implement the recommendation	[C1]
		Para. 24	Response not relevant to the recommendations	[C2]
02/12/13	[HRC] Letter sent	Informing that the follow-up procedure has been discontinued		
		Action taken: none		

Ninety-ninth session: July 2010

Cameroon (fourth periodic report) CCPR/C/CMR/CO/4 paras. 8, 17, 18				
Status				
Due date for the follow-up report:		29/07/2011	Not submitted	PROCEDURE DISCONTINUED. LOIPR adopted at the 103rd session.
Due date for the next periodic report:		30/07/2013	Not submitted	
LOIPR status		Accepted: Adopted October 2011		
History of the procedure				
28/11/11	[HRC] Letter sent	Informing that, in the absence of a reply to FU questions, the Committee will maintain them in the LOIPR.		[D1]
24/01/13	[SP] Follow-up report	Analysis to be realized in the context of the examination to the replies to the LOIPR.		
		Recommended action: none		
Colombia (sixth periodic report) CCPR/C/COL/CO/6 paras. 9, 14, 16				
Status				
Due date for the follow-up report:		28/07/2011	Submitted	PROCEDURE DISCONTINUED: next periodic report due.
Due date for the next periodic report:		01/04/2014	Not submitted	
LOIPR status		Undecided		
History of the procedure				
08/08/11	[SP] FU report			
18/09/11	[MEET] Meeting	Meeting of the Secretariat with the Comisón Colombiana de Juristas		
22/09/11	[EXT] Comisíon Colombiana de Juristas	Paras. 9, 14, 16		
		Para. 9	Not implemented	[C1]
		Para. 14	Incomplete and part not implemented	[B2] and [D1]
		Para. 16	Incomplete	[B2]
30/04/12	[HRC] Letter sent	Requesting additional info on the implementation of paras. 9, 14 and 16. Deadline: 30/07/2012		
27/08/12	[SP] 2nd FU reply	Para. 9	Updated info to be included in the next periodic report	[B2]
		Para. 14	The adopted reform is contrary to the recommendation and no info is provided on the security of witnesses	[E] and [D1]
		Para. 16	Actions remain necessary	[B2]
03/04/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional info on paras. 9, 14 and 16. The information should be included in the next periodic report (due 1 April 2014).		
		Recommended action: none		
Estonia (third periodic report) CCPR/C/EST/CO/3 paras. 5, 6				
Status				
Due date for the follow-up report:		27/07/2011	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/07/2015	Not submitted	
LOIPR status		Undecided		
History of the procedure				
12/08/11	[SP] FU report	Para. 5	Incomplete	[B2]
		Para. 6	Incomplete	[B2]

05/10/11	[EXT] Legal Information Centre for Human Rights	Paras. 5, 6		
29/11/11	[HRC] Letter sent	Requesting additional information on paras. 5–6		
20/01/12	[SP] FU reply	Para. 5	Incomplete	[B2]
		Para. 6	Incomplete	[B2]
27/04/12	[HRC] Letter sent	Requesting additional info on the implementation of paras. 5 and 6		
24/05/13	[HRC] Reminder sent			
30/07/13	[SP] Third FU reply			
		Recommended action: analysed at the 110th session		
Israel (third periodic report) CCPR/C/ISR/CO/3 paras. 8, 11, 22, 24				
Status				
Due date for the follow-up report:		29/07/2011	Submitted	PROCEDURE DISCONTINUED: adoption of LOIPR at 105th session
Due date for the next periodic report:		30/07/2013	Not submitted	
LOIPR status		Accepted		
History of the procedure				
01/08/11	[EXT] Defence for Children International	Para. 22		
26/08/11	[EXT] BADIL	Paras. 8, 24		
31/08/11	[EXT] CCPR (Adalah)	Paras. 8, 11, 22, 24		
31/10/11	[SP] FU reply	Para. 8	Not implemented and incomplete	[C1] [B2]
		Para. 11	Reply does not provide the information requested	[C2] [C2]
		Para. 22	Incomplete, reply does not provide the information requested, not implemented	a) [B2] b) [C2] c) [B2] d) [C1]
		Para. 24	Reply does not provide the information requested	[C2] [C2]
31/07/12	[HRC] Letter sent	Letter reflecting the analysis of the Committee. The requested information should be provided in the next periodic report (questions included in the LOIPR).		
		Recommended action: none		

100th session: October 2010

El Salvador (sixth periodic report) CCPR/C/SLV/CO/6 paras. 5, 10, 14, 15				
Status				
Due date for the follow-up report:		27/10/2011	Not submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		01/07/2014	Not submitted	
LOIPR status		Undecided		
History of the procedure				
30/04/12	[HRC] Reminder sent. Deadline: 30/07/2012			
04/04/13	[HRC] Second reminder sent	Deadline: 1 August 2013		
		Recommended action: None		
Poland (sixth periodic report) CCPR/C/POL/CO/6 paras. 10, 12, 18				
Status				
Due date for the follow-up report:		26/10/2011	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		26/10/2015	Not submitted	

LOIPR status		Accepted		
History of the procedure				
15/02/12	[EXT] NGO report: Helsinki Foundation for Human Rights/CCPR	Para. 10	[B2] [B1] [B1]	
		Para. 12	[C] [C] [C] [C]	
		Para. 18	[C] [C]	
03/04/12	[SP] FU report	Para. 10	Incomplete	[B1]
		Para. 12	Not implemented	[C1]
		Para. 18	Not implemented	[C1]
12/11/12	[HRC] Letter reflecting the analysis of the Committee	Deadline: 15/03/2013		
		Recommended action: send a reminder		
Belgium (fifth periodic report) CCPR/C/BEL/CO/5 paras. 14, 17, 21				
Status				
Due date for the follow-up report:		26/10/2011	Submitted	PROCEDURE DISCONTINUED: new periodic report submitted
Due date for the next periodic report:		31/10/2015	Submitted	
LOIPR status		Undecided		
History of the procedure				
18/11/11	[SP] FU report	Para. 14	Incomplete. Satisfactory on the outcome of investigation on complaints following the October 2010 manifestations	[B1] – [A]
		Para. 17	Incomplete	[B2]
		Para. 21	Incomplete	[B1]
29/04/12	[HRC] Letter sent	Requesting additional info on the implementation of paras. 14, 17 and 21. Deadline: 30/07/2012		
23/07/12	[SP] FU reply	Para. 14	Additional information remains necessary	[B1]
		Para. 17	Additional information remains necessary	[B1]
		Para. 21	Additional information remains necessary	[B1]
10/09/12	[EXT] NGO report: FIDH-CCPR Centre	Paras. 14, 17, 21	No measures were adopted by the SP to implement the recommendations	[C]
03/04/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional information on paras. 14, 17 and 21. The information should be included in the next periodic report (due 31 October 2015).		
		Recommended action: None		
Jordan (third periodic report) CCPR/C/JOR/CO/3 paras. 5, 11, 12				
Status				
Due date for the follow-up report:		27/10/2011	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		27/10/2014	Not submitted	
LOIPR status		Undecided		
History of the procedure				
28/02/11	[EXT] NGO report: Amman Centre for Human Rights Studies	Para. 5	[C]	
		Para. 11	[B2]	
		Para. 12	[B2]	
30/04/12	[HRC] Reminder sent.	Deadline: 20 July 2012		
24/05/13	[HRC] Second reminder	Deadline: 1 August 2013		
19/08/13	[SP] FU Report received			
		Recommended action: to be analysed at the 112th session		
Hungary (fifth report) CCPR/C/HUN/CO/5 paras. 6, 15, 18				
Status				
Due date for the follow-up report:		27/10/2011	Submitted	PROCEDURE CONTINUES

Due date for the next periodic report:		29/10/2014	Not submitted	
LOIPR status		Undecided		
History of the procedure				
30/04/12	[HRC] Reminder sent. Deadline: 20/07/2012			
Jan. 2012	[EXT] Hungarian Liberties Union	Para. 6 and para. 15		[B1]
		Para. 18		[B2] and [C]
15/08/12	[SP] FU report	Para. 6	Additional information remains necessary	[B1]
		Para. 15	Additional action necessary and no information provided on the expulsion of Afghans and Somalians	[B2] and [D1]
		Para. 18	Additional action necessary	[B2] and [D1]
30/04/12	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional info on paras. 6, 15 and 18. Deadline: October 2012		
30/04/13	[HRC] Reminder sent	Deadline: 1 July 2013		
02/12/13	[HRC] Second reminder sent	Deadline: 5 January 2014		
06/01/14	[SP] FU Reply			
13/01/13	[SP] FU Reply – additional information			
		Recommended action: to be analysed at the 112th session		

101st session: March 2011

Serbia (second periodic report) CCPR/C/SRB/CO/2 paras. 12, 17, 22				
Status				
Due date for the follow-up report:		29/03/2012	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		01/04/2015	Not submitted	
LOIPR status		Undecided		
History of the procedure				
30/04/12	[HRC] Reminder sent. Deadline: 20/07/2012			
25/07/12	[SP] FU report	Para. 12	Additional action necessary and no info provided on the compensations awarded to victims' relatives	[B2] and [D1]
		Para. 17	Additional action required	[B2]
		Para. 22	Additional action required	[B2]
01/05/12	[EXT] Belgrade Center for Human Rights	Para. 12		[B1]
		Para. 17		[B2] and [B1]
		Para. 22		[B2] and [B1]
31/04/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional info on paras.6, 15 and 18. Deadline: 1 July 2013		
02/12/13	[HRC] Reminder sent	Deadline: 5 January 2014		
		Recommended action: send a second reminder		
Slovakia (third periodic report) CCPR/C/SVK/CO/3 paras. 7, 8, 13				
Status				
Due date for the follow-up report:		28/03/2012	Submitted	PROCEDURE DISCONTINUED
Due date for the next periodic report:		01/04/2015	Not submitted	

LOIPR status		Undecided		
History of the procedure				
30/04/12	[HRC] Reminder sent			
28/03/12	[SP] FU report	Para. 7	Recommendation not implemented	[C1]
		Para. 8	Incomplete	[B2]
		Para. 13	Recommendation not implemented	[C1]
12/11/12	[HRC] Letter reflecting the analysis of the Committee	Deadline: 15/03/2013		
29/04/13	[SP] Second FU Report	Para. 7	Not relevant to the recommendations	[C2]
		Para. 8	Initial action taken, but additional information and measures required	[B2] [C1]
		Para. 13	Initial action taken, but additional information and measures required	[B2]
02/12/13	[HRC] letter sent	Informing that the follow-up procedure has been discontinued		
		Recommended action: none		
Mongolia (fifth periodic report) CCPR/C/MNG/CO/5 paras. 5, 12, 17				
Status				
Due date for the follow-up report:		30/03/2012	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		01/04/2015	Not submitted	
LOIPR status		Undecided		
History of the procedure				
01/01/12	[EXT] NGO report: CHRD/Globe International	Para. 5	B2/C	
		Para. 12	C	
		Para. 17	B1/B1/B2	
30/04/12	[HRC] Reminder sent			
21/05/12	[SP] FU reply	Para. 5	Incomplete, and info not provided	[B2] [D1]
		Para. 12	Incomplete, and info not provided	[B2] [D1]
		Para. 17	Implemented. But lack of info on investigation of corruption cases	[A] [D1]
12/11/12	[HRC] FU letter	Additional information requested on paras. 5, 12, 17. Deadline: 15 March 2013		
		Recommended action: send a reminder		
Togo (fourth periodic report) CCPR/C/TGO/CO/4 paras. 10, 15, 16				
Status				
Due date for the follow-up report:		28/03/2012	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		01/04/2015	Not submitted	
LOIPR status		Undecided		
History of the procedure				
06/03/12	Common report of NGO coalition	Para. 10	B2/C	
		Para. 15	B2/C	
		Para. 16	B2/C	
17/04/12	[SP] FU report	Para. 10	Incomplete, not implemented	[B2] [C1]
		Para. 15	Not implemented	[C1]
		Para. 16	Incomplete	[B2]
31/07/12	[HRC] Letter sent.	Reflecting the analysis of the Committee and requesting meeting of the Special Rapporteur with representative of the SP		
15/10/12	[SP] Complementary			

	information from SP			
18/10/12	[SP-HRC] Meeting of SR with Ambassador	Additional information and clarifications provided on relevant issues		
30/10/12	[SP] Second follow-up reply	Para. 10	Additional action required	[B2]
		Para. 15	Additional action required	[B2]
		Para. 16	Additional information remains necessary	[B1]
03/04/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional information on paras. 10, 15 and 16. Deadline: 1 July 2013		
02/12/13	[HRC] Reminder sent	Deadline: 5 January 2014		
		Recommended action: send a second reminder		

102nd session: July 2011

Ethiopia (initial report) CCPR/C/ETH/CO/1 paras. 16, 17, 25				
Status				
Due date for the follow-up report:		25/07/2012	Not submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		28/07/2014	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
16/11/12	[HRC] Reminder sent			
24/05/13	[HRC] Second reminder sent	Deadline: 1 August 2013		
		Recommended action: none		

Kazakhstan (initial report) CCPR/C/KAZ/CO/1 paras. 7, 21, 25, 26				
Status				
Due date for the follow-up report:		26/07/2012	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		29/07/2014	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
27/07/12	[SP] FU report	Para. 7		[B2]
		Para. 21		[B2]
		Para. 25	No new measures have been adopted	[C1]
		Para. 26	No new measures have been adopted	[C1]
20/11/12	[EXT] NGO report	Para. 7		[B2]
		Para. 21		[B2] and [C]
		Para. 25		[C]
		Para. 26		[C]
25/03/13	[MEET] Meeting during 107th session			
03/04/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional information on paras. 7, 21 and 25. Deadline: 1 July 2013		
26/09/13	[EXT] NGO report			
08/10/13	[EXT] NGO Report			
02/12/13	[HRC] Reminder sent	Deadline: 5 January 2014		
		Recommended action: none		

Bulgaria (third periodic report) CCPR/C/BGR/CO/3 paras. 8, 11, 21				
Status				
Due date for the follow-up report:		25/07/2012	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		29/07/2015	Not submitted	

LOIPR status		Not applicable		
History of the procedure				
16/11/12	[HRC] Reminder sent			
04/02/13	[SP] FU report	Para. 8	Initial action taken, but additional information and measures required	[B2]
		Para. 11		[B1]
		Para. 21		[C1]
02/12/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional information on paras. 8, 11 and 21. Deadline: 5 January 2014		
17/01/14	[SP] Second FU report			
		Recommended action: to be analysed at the 112th session		

103rd session: October 2011

Kuwait (second periodic report) CCPR/C/KWT/2 , paras. 18, 19, 25				
Status				
Due date for the follow-up report:		02/11/12	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		02/11/14	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
27/04/12	[SP] FU reply	Para. 18	Not implemented	[C2]
		Para. 19	Incomplete, not implemented	[B2] [D1]
		Para. 25	Not implemented	[C1]
01/05/12	[EXT] NGO report: CCPR Centre	Para. 18	No action has been taken	[C] [B1]
		Para. 19	Response satisfactory	[A]
		Para. 25	No action has been taken	[C]
12/11/12	Letter reflecting the analysis of the Committee	Deadline: 15/03/2013		
06/04/13	[SP] FU report	Para. 18	Actions taken do not implement the recommendation	[C1]
		Para. 19	Additional information required	[B1]
		Para. 25	Measures taken are contrary to the Committee's recommendations	[E]
01/07/13	[EXT] NGO report			
25/07/13	[EXT] NGO Report	Para. 18	Actions taken do not implement the recommendation	[C1]
		Para. 19	Additional information remains necessary	[B2]
		Para. 25	No response received	[D2] [E]
02/12/13	[HRC] letter sent	Reflecting the analysis of the Committee and requesting additional information on paras. 18, 19 and 25. Deadline: 5 January 2014		
		Recommended action: send a reminder		
Jamaica (third periodic report) CCPR/C/JAM/CO/3, paras. 8, 16, 23				
Status				
Due date for the follow-up report:		02/11/12	Submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		02/11/14	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
19/11/12	[SP] FU report	Para. 8	No measures were adopted to implement the	[C1]

			recommendation	
		Para. 16	Additional action required. No info provided on remedies to victims of extrajudicial killings	[B2] and [D1]
		Para. 23	Additional action required	[B2]
07/12/12–04/02/13	[EXT] Jamaica FLAG, Jamaicans for Justice – CCPR Centre	Para. 8		[C]
		Para. 16		[B2]
		Para. 23		[C2]
03/04/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional info. Deadline: 1 July 2013		
02/12/13	[HRC] Reminder sent	Deadline: 5 January 2014		
08/01/14	[SP] Note verbale	Informing the Committee that a FU report will be sent by the end of 2014		
		Recommended action: none		
Norway (sixth periodic report) CCPR/C/NOR/CO/6 paras. 5, 10, 12				
Status				
Due date for the follow-up report:		02/11/12	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		02/11/16	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
19/11/12	[SP] FU report	Para. 5	Additional action required	[B2]
		Para. 10	Additional action required	[B2]
		Para. 12	Additional action required	[B2]
20/12/12	[EXT] NGO coalition	Para. 5		[B2]
		Para. 10		[B2]
		Para. 12		[B1] and [B2]
03/04/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional information on paras. 5, 10 and 12. Deadline: 1 July 2013		
02/12/13	[HRC] Reminder sent	Deadline: 5 January 2014		
27/06/13	[SP] Second FU report			
		Recommended action: analysed at the 110th session		
Islamic Republic of Iran (third periodic report) CCPR/C/IRN/CO/3 paras. 9, 12, 13, 22				
Status				
Due date for the follow-up report:		02/11/12	Not submitted	PROCEDURE DISCONTINUED: New periodic report due
Due date for the next periodic report:		02/11/14	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
24/05/13	[HRC] Reminder sent	Deadline: 1 August 2013		
02/12/13	[HRC] Second reminder sent	Deadline: 5 January 2014		
		Recommended action: none		

104th session: March 2012

Dominican Republic (fifth periodic report) CCPR/C/DOM/CO/5 paras. 8, 11, 22				
Status				
Due date for the follow-up report:		30/03/13	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/16	Not submitted	
LOIPR status		Not applicable		
History of the procedure				

24/05/13	[HRC] Reminder sent	Deadline: 1 August 2013		
02/12/13	[HRC] Second reminder sent	Deadline: 5 January 2014		
		Recommended action: request for a meeting		
Guatemala (third periodic report) CCPR/C/GTM/CO/3 paras. 7, 21, 22				
Status				
Due date for the follow-up report:		30/03/13	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/16	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
24/05/13	[HRC] Reminder sent	Deadline: 1 August 2013		
01/04/13	[SP] FU report	Para. 7	Additional information and measures required	[B2]
		Para. 21	Additional information and measures required	[B2]
		Para. 22	Additional information and measures required	[D1] [B2] [C2]
02/12/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional info on paras. 7, 21 and 22. Deadline: 5 January 2014		
		Recommended action: send reminder		
Turkmenistan (initial report) CCPR/C/TKM/CO/1 paras. 9, 13, 18				
Status				
Due date for the follow-up report:		30/03/13	Submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/15	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
31/08/12	[SP] FU report	Para. 9	Response not relevant to the recommendations. Additional information required	[C2] [B2]
		Para. 13	Response not relevant to the recommendations. Additional information required	[C2]
		Para. 18	Actions taken do not implement the recommendation. Additional information required	[C1]
01/11/12	[EXT] NGO report: CCPR Centre and others	Para. 9		[C] [B2]
		Para. 13		[C]
		Para. 18		[C]
02/12/13	[HRC] Letter sent	Reflecting the analysis of the Committee and requesting additional info on paras. 9, 13 and 18. Deadline: 5 January 2014		
10/01/14	[SP] FU report			
		Recommended action: to be analysed at the 112th session		
Yemen (fifth periodic report) CCPR/C/YEM/CO/5 paras. 7, 10, 15, 21				
Status				
Due date for the follow-up report:		30/03/13	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/15	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
24/05/13	[HRC] Reminder sent	Deadline: 1 August 2013		
09/09/13	[SP] FU report			

		Recommended action: to be analysed at the 112th session			

105th session: July 2012

Lithuania (third periodic report) CCPR/C/LTU/CO/3					
Status					
Due date for the follow-up report:		24/07/13	Submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		27/07/17	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
31/07/13	[SP] FU report				
		Recommended action: to be analysed at the 110th session			
Armenia (second periodic report) CCPR/C/ARM/CO/2 paras. 12, 14, 21					
Status					
Due date for the follow-up report:		25/07/13	Submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		27/07/16	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
08/08/13	[SP] FU report				
17/01/14	[EXT] NGO report (Helsinki Citizens' Assembly – Vanadzor)	Para. 12			[C]
		Para. 14			[C]
		Para. 21			[C]
		Recommended action: to be analysed at the 110th session			
Iceland (second report) CCPR/C/ARM/CO/2 paras. 7 and 15					
Status					
Due date for the follow-up report:		25/07/13	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		27/07/18	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: send a reminder			
Kenya (third periodic report) CCPR/C/KEN/CO/3 paras. 6, 13, 16					
Status					
Due date for the follow-up report:		26/07/13	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		27/07/15	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: send a reminder			
Maldives (initial report) CCPR/C/MDV/CO/1 paras. 5, 20, 25 and 26					
Status					
Due date for the follow-up report:		26/07/13	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		27/07/15	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: send a reminder			

106th session: October/November 2012

Germany (sixth periodic report) CCPR/C/DEU/CO/6 paras. 11, 14, 15					
Status					
Due date for the follow-up report:		31/10/13	Submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		31/10/18	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
21/10/13	[SP] FU report				
		Recommended action: to be analysed at the 110th session			
Portugal (fourth periodic report) CCPR/C/PRT/CO/4 paras. 9, 11, 12					
Status					
Due date for the follow-up report:		31/10/13	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		31/10/18	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: send a reminder			
Philippines (fourth periodic report) CCPR/C/PHL/CO/4 paras. 7, 16, 20					
Status					
Due date for the follow-up report:		31/10/13	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		31/10/16	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: send a reminder			
Turkey (initial report) CCPR/C/TUR/CO/1 paras. 10, 13, 23					
Status					
Due date for the follow-up report:		31/10/13	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		31/10/16	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
11/02/14	[EXT] NGO report (International Fellowship of Reconciliation)				
		Recommended action: send a reminder			
Bosnia and Herzegovina (initial report) CCPR/C/BIH/CO/2 paras. 6, 7, 12					
Status					
Due date for the follow-up report:		31/10/13	Submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		31/10/16	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
15/11/13	[SP] FU report				
04/11/13	[EXT] NGO Report (TRIAL)				
17/01/14	[EXT] NGO Report (TRIAL)	Para. 6			
		Para. 7			[B2] [B2] and

				[C]
		Para. 12		[B2] and [C]
		Recommended action: to be analysed at the 110th session		
107th session: March 2013				
Angola (initial report) CCPR/C/AGO/CO/1 paras. 7, 10, 23				
Status				
Due date for the follow-up report:		25/03/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		23/03/17	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: send a reminder		
Hong Kong, China (third periodic report) CCPR/C/CHN-HKG/CO/3 paras. 6, 21, 22				
Status				
Due date for the follow-up report:		27/03/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/18	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: send a reminder		
Macao, China (initial report) CCPR/C/CHN-MAC/CO/1 paras. 7, 11, 17				
Status				
Due date for the follow-up report:		28/03/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/18	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: send a reminder		
Paraguay (third periodic report) CCPR/C/PRY/CO/3 paras. 8, 14, 23				
Status				
Due date for the follow-up report:		27/03/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		30/03/17	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: send a reminder		
Peru (fifth periodic report) CCPR/C/PER/CO/5 paras. 11, 16, 20				
Status				
Due date for the follow-up report:		27/03/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		28/03/18	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: send a reminder		

108th session: July 2013

Tajikistan (second periodic report) CCPR/C/TJK/CO/2 paras. 16, 18, 23				
Status				
Due date for the follow-up report:		23/07/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		23/07/17	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
29/11/13	[EXT] NGO report			
		Recommended action: none		
Albania (second periodic report) CCPR/C/ALB/CO/2 paras. 9, 13				
Status				
Due date for the follow-up report:		25/07/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		23/07/18	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: none		
Czech Republic (third periodic report) CCPR/C/CZE/CO/3 paras. 5, 8, 11, 13 (a)				
Status				
Due date for the follow-up report:		25/07/14	Not submitted	PROCEDURE CONTINUES
Due date for the net periodic report:		26/07/18	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: none		
Finland (sixth periodic report) CCPR/C/FIN/CO/6 paras. 10, 11, 16				
Status				
Due date for the follow-up report:		25/07/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		26/07/19	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: none		
Indonesia (initial report) CCPR/C/IDN/CO/1 paras. 8, 10, 12, 25				
Status				
Due date for the follow-up report:		25/07/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		26/07/17	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
		Recommended action: none		
Ukraine (seventh periodic report) CCPR/C/UKR/CO/7 paras. 6, 10, 15, 17				
Status				
Due date for the follow-up report:		25/07/14	Not submitted	PROCEDURE CONTINUES
Due date for the next periodic report:		26/07/18	Not submitted	

LOIPR status		Not applicable			
History of the procedure					
		Recommended action: none			

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Mauritania (initial report) CCPR/C/MRT/CO/1 paras. 5, 14, 17, 19					
Status					
Due date for the follow-up report:		30/10/14	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		01/11/17	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
11/11/13	[SP] Information				
		Recommended action: none			
Plurinational State of Bolivia (third) CCPR/C/BOL/CO/3 paras. 12, 13, 14					
Status					
Due date for the follow-up report:		30/10/14	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		01/11/18	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: none			
Djibouti (initial report) CCPR/C/DJI/CO/1 paras. 10, 11, 12					
Status					
Due date for the follow-up report:		30/10/14	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		01/11/17	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: none			
Mozambique (initial reports) CCPR/C/MOZ/CO/1 paras. 13, 14, 15					
Status					
Due date for the follow-up report:		30/10/14	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		01/11/17	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: none			
Uruguay (fifth periodic report) CCPR/C/URY/CO/5 paras. 7, 8, 19					
Status					
Due date for the follow-up report:		30/10/14	Not submitted	PROCEDURE CONTINUES	
Due date for the next periodic report:		01/11/18	Not submitted		
LOIPR status		Not applicable			
History of the procedure					
		Recommended action: none			